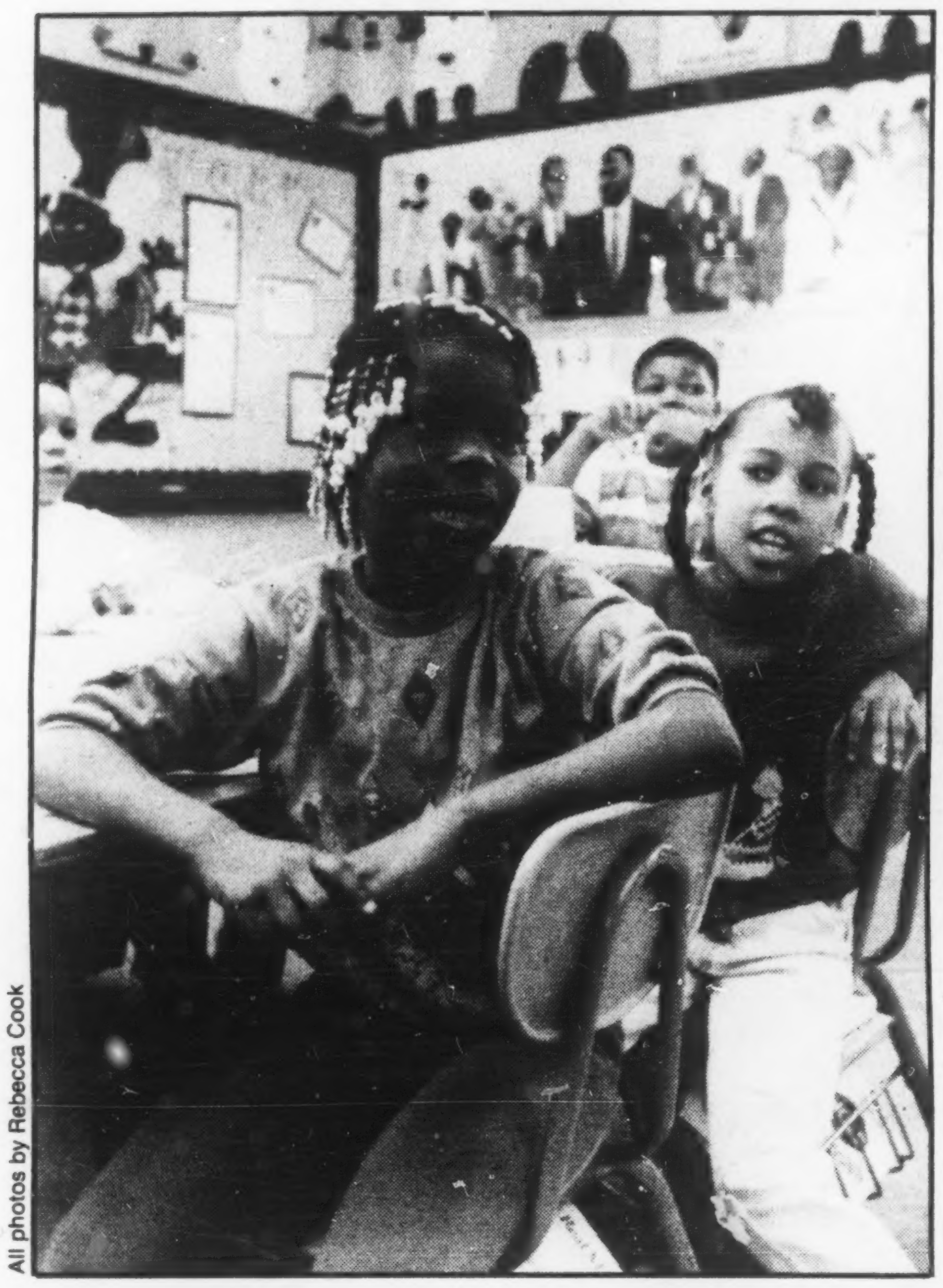

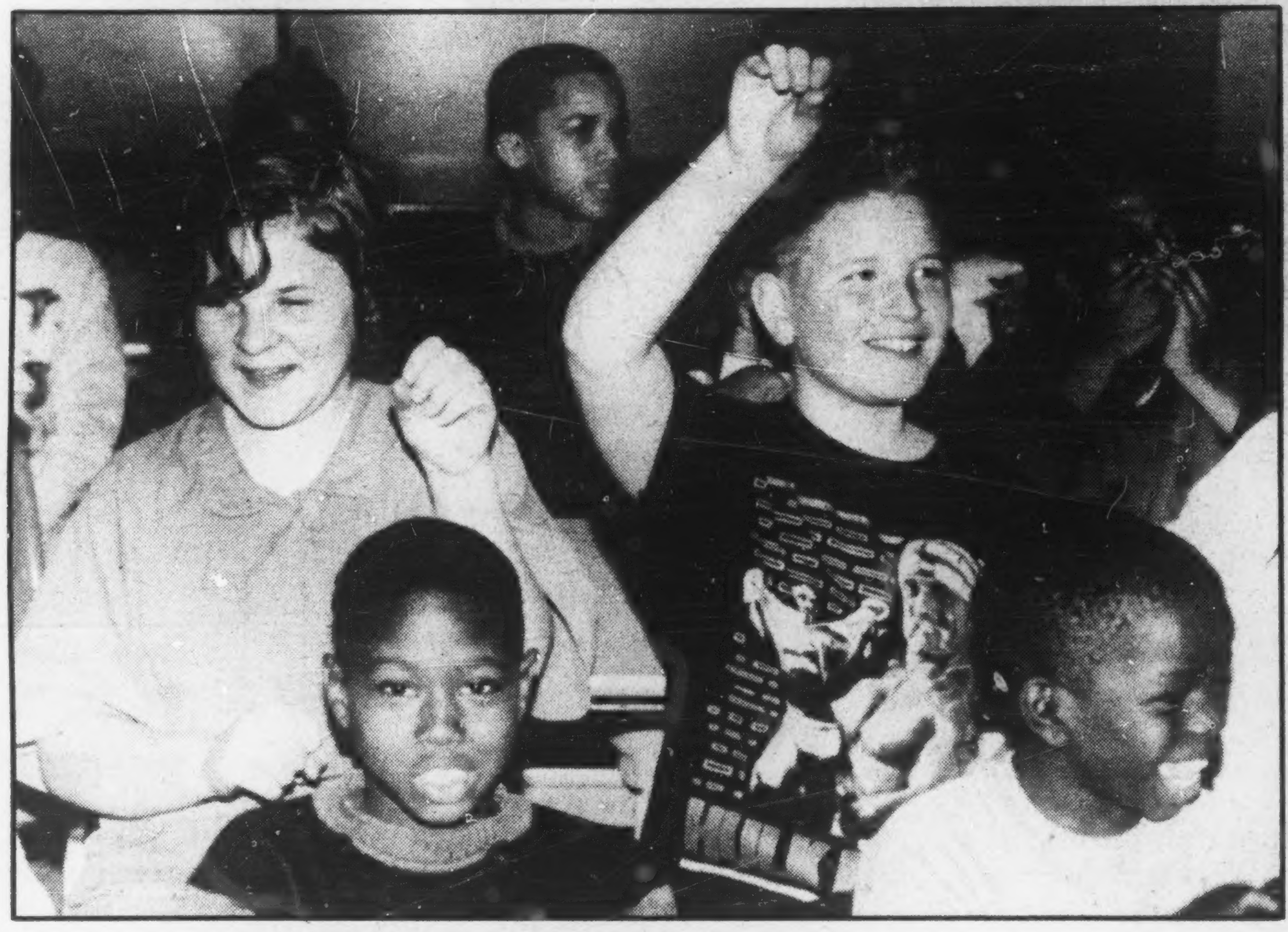

Of the 390 students at Lynch Elementary School in Detroit, 126 are eligible for Chapter 1 and about 70 of them receive services. The school uses the $93,000 it receives from Chapter 1 to retain one full-time teacher, to provide a half-time counselor and a social worker who visits once a week, and to bring in some special arts programs. Right, Jeff Nahan, an actor and mime, works with two students during one of his performances at the school as students in the audience, below right, mimic Mr. Nahan's actions. Also at Lynch Elementary, Bette Ford reads to students in a preschool class, and Ron Cunningham, a teacher's aide, helps a child put on his shoes at the end of the school day.

All photos by Rebecca Cook

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not left educators without discretion in deciding which children to serve and how to serve them.

Indeed, the central tension in Chapter 1 policy is balancing the need to ensure that federal funds are used appropriately with local control of education and the need for pedagogical flexibility.

The current law mandates that funds be distributed among states based on their share of low-income students, multiplied by 40 percent of their average per-pupil expenditure. Each state's allocation is then divided among counties based on their number of low-income children.

Low-income children are defined as those from families with incomes below the poverty level or families that have higher incomes but receive welfare payments.

Where counties and school districts are not one and the same, state officials apportion the funds to districts proportionate to their share of eligible children.

In addition, counties with at least 6,500 eligible students, or those where such students are at least 15 percent of enrollment, receive "concentration grants" from a separate appropriation that are also distributed proportionately to eligible districts.

Districts must then divide their allocation among schools, which are eligible if their students include a percentage of children from low-income families at least equal to that in the district as a whole. Districts can use any defensible data system to do this, but most use counts of welfare recipients and of children eligible for subsidized school lunches.

If the district's funds are not sufficient to serve all eligible children, which is usually the case, the district then must rank its eligible schools based on relative degrees of concentration of low-income students.

Although complicated rules allow exceptions in some cases, generally a district must use its Chapter 1 funds in those schools with the highest concentrations of low-income students.

Within the schools, eligible students are selected based not on income, but on the basis of "educational deprivation," usually determined by poor performance on standardized tests and by teacher recommendations.

Local Discretion

It is at the district level that the federal regulations stop and local discretion begins.

The idea behind Chapter 1 has always been "that there should be maximum flexibility for local people to devise the materials and the curriculum," said Representative Ford, who was a junior member of the House Education and Labor Committee when the landmark Elementary and Secondary Education Act of 1965 was passed. "The magic of it is that we used economic measures as a way of rationing dollars to school districts, but once it gets to the school level, everything is based on educational attainment."

Decisions can be made at the state level, and some states do mandate such things as the number of children to be served or how large Chapter 1 classes should be. Massachusetts, for example, mandates a class size of 4 to 6 in elementary-school Chapter 1 programs and 8 to 10 in high schools, according to educators; it also regulates the number of hours of instruction to be provided.

But district officials, principals, and teachers make most of the choices.

A school district can decide to serve only its highest-ranking school, or to serve only 1st and 2nd graders, or to pump much of its money into a preschool program. A district can decide to provide only reading instruction or only mathematics instruction. Some services, such as counseling, can be funded with Chapter 1 money, but are not required.

Districts can prescribe a Chapter 1 curriculum for their schools or leave it up to them. A district can even simply designate eligible schools, divide funds among them based on relative numbers of eligible children, and allow the schools to decide what to do with their money.

Nationally, schools focus most of their efforts on elementary-school children and favor reading over other subjects.

Diversity in the Districts

In Detroit, a task force of area superintendents and central-office officials makes recommendations to the superintendent about the use of the district's Chapter 1 funds, some $62 million in fiscal 1990.

Their key decision, according to Joseph Hirsch, an administrative assistant who helps manage the program, is how to divide the funds among districtwide programs and local programs. With the share it withholds, the district provides such services as "attendance agents" to monitor truancy, "master teachers" who assist local Chapter 1 instructors, social workers, training workshops, and a preschool program.

Money is distributed to schools based on the number of eligible children in each. Each principal makes the final decision on how a school's "local allocation" will be used.

"There are as many delivery methods as there are teachers," Mr. Hirsch said, noting that some teachers use classroom aides, that some children receive instructional help in class with their classmates, and that other youngsters are "pulled out" to a separate room for special instruction.

Marcella Verdun, principal of Herman Elementary School, said her Chapter 1 funds pay for computer equipment, parent workshops, field trips, and math and reading teachers. Extra assistance is focused on children in grades 3 through 5, and is delivered both in special labs and in the form of in-class tutoring.

"We give everybody a chance from kindergarten to 2nd grade to learn in their regular classes," she said.

At Hanstein Elementary School, Chapter 1 children also receive both in-class and pullout instruction, but it is focused on grades 1 and 2.

The school's principal, Billie Joan Gibbs, also spends Chapter 1 funds on equipment and supplies, and on awards—such as bicycles—for children who read the most books.

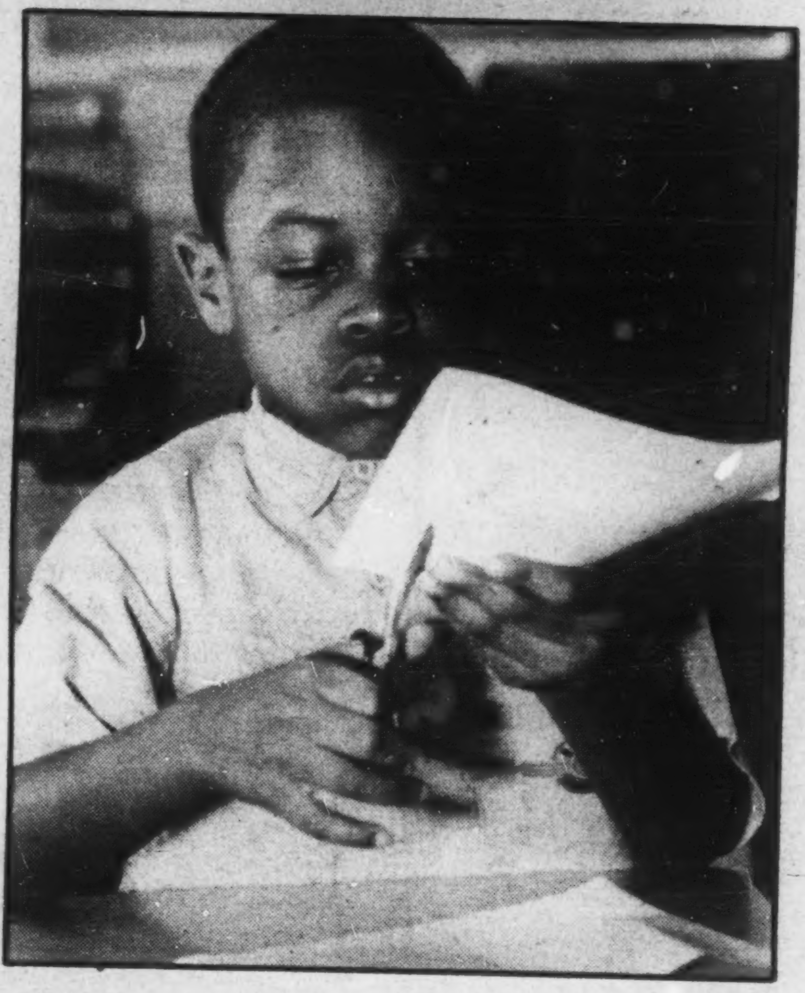
At White Elementary School, children in all grades are served by Chapter 1 "strictly in rank order as to who needs it most," said Lawrence Burrell, a Chapter 1 staff coordinator. The school also uses Chapter 1 money for its "attendance incentive program," a computer lab with equipment children can take home, and bilingual-education programs.

In St. Charles Parish, La.—a much smaller, semi-rural district near New Orleans—the Chapter 1 coordinator, Bertha Barfield, decides at the district level where to concentrate federal funds based on test scores and whether particular children are receiving other compensatory services. Currently, the district provides reading programs in grades 1 through 5 and math programs in grades 3 through 5.

"I just feel reading is more important in the early grades," Ms. Barfield said. "We bring in math in the 3rd grade because that's where we begin to see deficiencies."

Teachers decide specifically what kind of instruction to offer and in what setting.

"I have the freedom to do what I think will work with my children," said Jane Pet-



it, a Chapter 1 teacher at Luling Elementary School. "I like pullout, because it gives them the chance to work in small groups."

Regulation and Pedagogy

While federal rules do not directly determine what Chapter 1 teachers do in their classrooms, the regulations are not without influence, many argue. The trouble, they say, is that the rules end up having a negative impact.

"There are a number of programs that have shown powerful effects with disadvantaged children, but they are very different from the way Chapter 1 is generally used," said Henry M. Levin, a professor of education and economics at Stanford University and the director of its Center for Educational Research. "The problem is that what we do with Chapter 1 funding is the opposite of what's good for kids."

One simple but powerful factor is the toll on teachers' time and energy exacted by the paperwork demanded by the federal bureaucracy.

"We have no time for lunch, no time for planning," said Sonya Davila, Chapter 1 coordinator in Elementary School 45 in Buffalo, N.Y. "You want to spend time on task with the students, but everything has to be documented."

More importantly, rules requiring targeting of funds only to eligible children lead educators fearful of being audited to rely heavily on instructional-delivery methods that separate Chapter 1 students from their peers.

"Unfortunately, many people sort of grew up in the era where you looked at programs through auditor's glasses," said Carley Ochoa, the Chapter 1 coordinator for the Riverside, Calif., schools. "The question is how to do it with a focus on the program, rather than a focus on compliance."

"Pullout" classes became the norm largely because that method makes it easy to show that the funds were spent on the right children.

But "we stigmatize kids with 'pullout,' telling them they're in a program for dumb kids," Mr. Levin said. "We give our neediest kids the most barren program."

Conversely, the restrictions often mean that children almost as needy as Chapter 1 students cannot use equipment or participate in enrichment programs paid for with federal funds.

"When you get ready to take kids on field trips, and only the Chapter 1 kids can go, that really kills morale," said Ms. Verdun, principal of Detroit's Herman Elementary School.

Educators note that isolating Chapter 1 programs is not conducive to coordination between teachers and congruence between programs, which is now recognized as an essential element of successful remedial programs in particular, and effective schools in general.

"Now everybody is moving toward the same goal, unlike in the past when you would be a little group over here doing something totally different, because you don't want to supplant," said Ms. Barfield, of the St. Charles Parish, La., schools. "Many years ago, it was like you couldn't even talk to the regular-education teacher."

Educators also argue that Chapter 1's emphasis on standardized testing has undue influence on what is taught.

"I'm frustrated by not being able to do what I think is best for young children," said Donna Kenney Moffat, a Chapter 1 teacher at Riverside Academy in Buffalo. "Teachers are under great pressure to have a data-driven program. People will say, 'Why aren't your children on this level at this time?' "

Responding to Criticisms: 'What Is Best for the Student'

Now, both federal officials and educators are beginning to respond to such criticisms.

In the 1988 reauthorization, lawmakers somewhat loosened rules preventing children who improve from staying in Chapter 1; made it much easier for schools with many eligible children to operate "schoolwide projects"; required districts to address coordination with the regular program in their applications; and, for the first time, required Chapter 1 programs to help children acquire both basic and advanced skills.

But some children's advocates contend that the regulations drafted by the Education Department do nothing to force schools to take those mandates seriously. In particular, they say, rules governing the new program-improvement process for programs whose students do not show sufficient achievement make clear that the only real accountability measure is standardized tests.

"It's a clear mandate that needs to be translated down to the local level," said Paul Weckstein, a lawyer at the Center for Law and Education who represents the National Coalition of Title I/Chapter 1 Parents. "Few districts have functionally adopted goals defined in that way, let alone adopted a program to achieve it."

However, he acknowledged, under the leadership of Mary Jean LeTendre, director of compensatory-education programs at the Education Department, department officials have made a concerted effort to encourage innovation, and to tell educators that they are at least as interested in results as they are in compliance.

"Don't just do what's easy to document, but also what we know is best for the students," Ms. LeTendre advised at a conference last year. "There are places that have to drastically rethink the way their Chapter 1 resources are applied."

Last year, the department published a report called "Better Schooling for the Children of Poverty: Alternatives to Conventional Wisdom." Its purpose was to exhort Chapter 1 teachers to focus on children's strengths, use more flexible ability-grouping arrangements, focus earlier on higher-order thinking skills, and get away from worksheets and memorization.

The most recent regulations relax some "separation" rules, and the department published a guidance manual that specifically states that equipment bought with Chapter 1 funds, such as computers, can be used for other educational purposes as long as such uses do not detract from the compensatory program.

That was important both practically and symbolically. Computers that sat idle for much of the day were a frequent complaint of educators, and even became a topic of conversation at the 1989 "education summit" between President Bush and the nation's governors.

"I think it's a matter of advocacy," said John T. MacDonald, assistant secretary for elementary and secondary education. "The resources are there. It's a matter of synthesizing resources and getting them to concentrate more directly on problems."

At least some educators are getting the message. Many are reporting greater efforts to coordinate Chapter 1 with the regular school program, inclusion of non-Chapter 1 teachers in Chapter 1 training programs, a new emphasis on literature and take-home reading, and greater interest in new programs designed for at-risk children.

"One thing that's very exciting about Chapter 1 and one thing that's different from the 1970's is that people are doing all sorts of things under Chapter 1 now when they used to do only one or two things," said Robert E. Slavin, a researcher at Johns Hopkins University and the director of the

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elementary-school program of the Center for Research on Effective Schooling for Disadvantaged Students.

"Schoolwide projects are big now," he said. "People are experimenting more than they ever did with after-school programs, with summer school, with in-class models, more with technology."

"I think there has been a gradual recognition that what we've been doing hasn't been working very well," Mr. Slavin added. "It took a long time, but I think people have just gotten frustrated with the results they have been getting."

A Holistic Approach

One of the most significant changes made in Chapter 1 in 1988, and an important factor spurring innovation in the program, was a provision that made it easier for schools to operate "schoolwide projects" by dropping a requirement that the district provide additional funding to such a school.

Under this part of the program, a school whose enrollment is at least 75 percent low-income children eligible for Chapter 1 funding can use its money to improve the school as a whole, rather than to ensure that only eligible children benefit. It can allow all children to participate in Chapter 1 instruction, buy materials for the whole school, or hire more teachers to reduce class sizes.

To remain a schoolwide project, a school must show that its eligible children's achievement increases or is at least as good as that of Chapter 1 children in other schools in the district.

An Education Department survey found that the number of schools operating schoolwide Chapter 1 programs tripled after the 1988 rule change. In 48 states that responded to the question, schoolwide projects increased from 199 to 621.

Some observers fear that such an approach will dilute the effect of Chapter 1 funds. But a majority of educators argue that schoolwide changes can have a more powerful effect.

"The program has been marginalized," Mr. Smith of Stanford said. "It operates somewhat independently of the main curricular operation of the school and hasn't really changed the core program of the schools."

"Now," he added, "the impetus is to authorize changes to integrate it and use it as a change agent."

Two instructional programs currently gaining considerable notice among Chapter 1 teachers and administrators are applicable only to schoolwide projects.

Mr. Slavin of Johns Hopkins said he created his "Success for All" program with Chapter 1 in mind.

At its heart is an intensive reading program for grades 1 to 3, in which students are placed into small groups across age groups. Tutors work with students who are not keeping up with their peers.

Other components are a "family-support team" that focuses on parent education and student behavior and attendance, and regular assessments of each student's progress.

The program, now operating in 15 schools, is relatively new, but Mr. Slavin said his research has shown strong positive effects on reading skills, and reductions of retentions and referrals to special education. *(See Education Week, Feb. 13, 1991.)*

"The question with this program is whether it will last into the later grades," he said.

Mr. Levin's "accelerated schools" program is similar in spirit, but is more a philosophy than a curriculum. The instructional program is tailored to the needs of each school. The common thread is high standards and a challenging, fast-paced curriculum.

"What we do is change the entire school and all the programs they provide," Mr. Levin said. "What is needed is a good school. What works for gifted and talented kids also works for these kids."

"We work out special services so that different kids are getting different needs met in the same classroom," he said. "The idea is not to stigmatize kids."

The Stanford professor is currently working with 54 schools in seven states.

The Computer Age

Some dramatic changes in the Chapter 1 program have resulted not from new pedagogical theories, but from changes in society and from technological advances.

Educators who are veterans of the program agree that the children now participating are, in many ways, more troubled than those they worked with 25 years ago.

"I see more kids from broken homes, more drug abuse, kids who come in at extremely low levels with retarded social skills," said Theresa Salls, who has taught Chapter 1 students in Framingham, Mass., since the program's inception. "Sometimes I think we're the only stable part of their whole life."

Educators say they are coping with more students who do not speak English, children damaged by their mothers' drug use, and a population that is more mobile than ever.

Chapter 1 programs are responding by including health and nutrition services in their parent-outreach programs, adding guidance counselors and social workers paid for by Chapter 1, and retraining teachers.

But a more positive social trend has also had a great impact. Computers have transformed many classrooms over the past decade, but nowhere have they had greater effect than in Chapter 1. Few Chapter 1 programs still make no use of computers, and, for many poor schools, Chapter 1 is the primary source of funds to buy computers and software.

In Massachusetts, state officials have gone so far as to establish a Chapter 1 computer center that trains 5,000 teachers a

'Full Funding' of Chapter 1 Remains an Elusive Goal

Chapter 1 receives more funds than any other precollegiate-education program—$6.2 billion in the current fiscal year, which represents its highest funding level ever, measured in constant dollars.

But the money appropriated by the Congress has never approached the levels envisioned by its creators.

In 1985, Samuel Halperin, an assistant U.S. commissioner of education when Title I was enacted in 1965, told a 20th-anniversary banquet how President Lyndon B. Johnson's budget advisers rebuked education officials for proposing a cash-flow system projected to handle "a mere $8 billion a year" by 1969.

They need not have worried. While education advocates have criticized Ronald Reagan and George Bush in recent years for skimping on funding for Chapter 1, they have actually been disappointed almost from the program's inception.

President Johnson requested "full funding" of his new program in fiscal 1966, at about $1.2 billion. While only $959 million was appropriated, schools were still allowed to claim their full entitlements.

But the Johnson budget for the next fiscal year contained only a 10 percent increase, or only three-fourths of the amount that had been authorized.

With Mr. Johnson increasingly preoccupied with economic troubles and the Vietnam War, funding for Title I slipped further and further from "full funding."

By 1969, the program was receiving only half what had been authorized, and it was rumored that the Congress was going to approve a cut in the next budget.

Nonetheless, optimistic assumptions are reflected in the name of the umbrella advocacy organization that worried education lobbyists created that year—the Emergency Committee for the Full Funding of Education Programs.

The group, which was meant to be temporary, succeeded in adding a great deal to the fiscal 1970 appropriations bill.

As measured in constant dollars, Title I spending rose steadily and peaked in 1973. It then declined for several years and rose again in fiscal years 1977 through 1979. In 1979, it passed the 1973 mark.

Constant-dollar spending fell sharply during the early Reagan years before rising again in 1987. Last year's $856-million increase was the largest in Chapter 1's history, bringing its funding to the current, $6.2-billion high point—about 63 percent higher in constant dollars than in 1966.

But the 1991 appropriation would have to be $31 billion to equal the "mere" $8 billion that had been projected for 1969.

Meanwhile, the number of children living in poverty has increased, and experts estimate that only about half the eligible children are currently receiving services.

In 1982, the "Emergency Committee" changed its name to the Committee for Education Funding.

—J.M.

Funding for Chapter 1, 1980-91

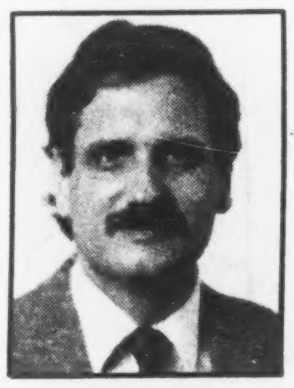
Fiscal Year	Appropriation (In Thousands)	Percent Change From FY 1980	Percent Change From FY 1980 Adjusted for Inflation	Budget Request (In Thousands)
1980	$3,215,593	—	—	$3,478,382
1981	3,104,317	-3.5%	-11.4%	3,686,772
1982	3,033,969	-5.6	-19.2	*
1983	3,200,394	-0.5	-19.6	1,942,000
1984	3,480,000	8.2	-17.6	3,013,969
1985	3,688,163	14.7	-16.0	3,480,000
1986	3,529,572	9.8	-23.4	3,646,615
1987	3,944,163	22.7	-18.6	3,688,163
1988	4,327,927	34.6	-15.1	4,144,163
1989	4,570,246	42.1	-14.6	4,566,065
1990	5,358,783	66.6	-3.9	4,721,549
1991	6,214,757	93.3	6.8	5,604,361

* The budget request proposed program termination and replacement with a $3.6 billion local education block grant and a $0.7 billion state education block grant. A $0.5 billion education block grant was enacted instead, but the Chapter 1 program was not included in it.

Source: Congressional Research Service

Chapter 1 has served as a genuine symbol of the federal commitment to education.

–Marshall Smith

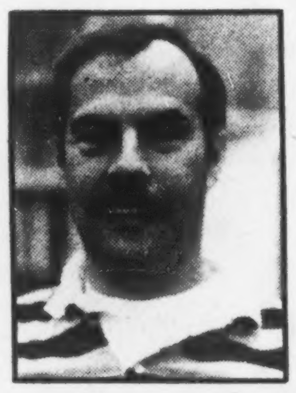


I think there has been a gradual recognition that what we've been doing hasn't been working very well.

–Robert E. Slavin

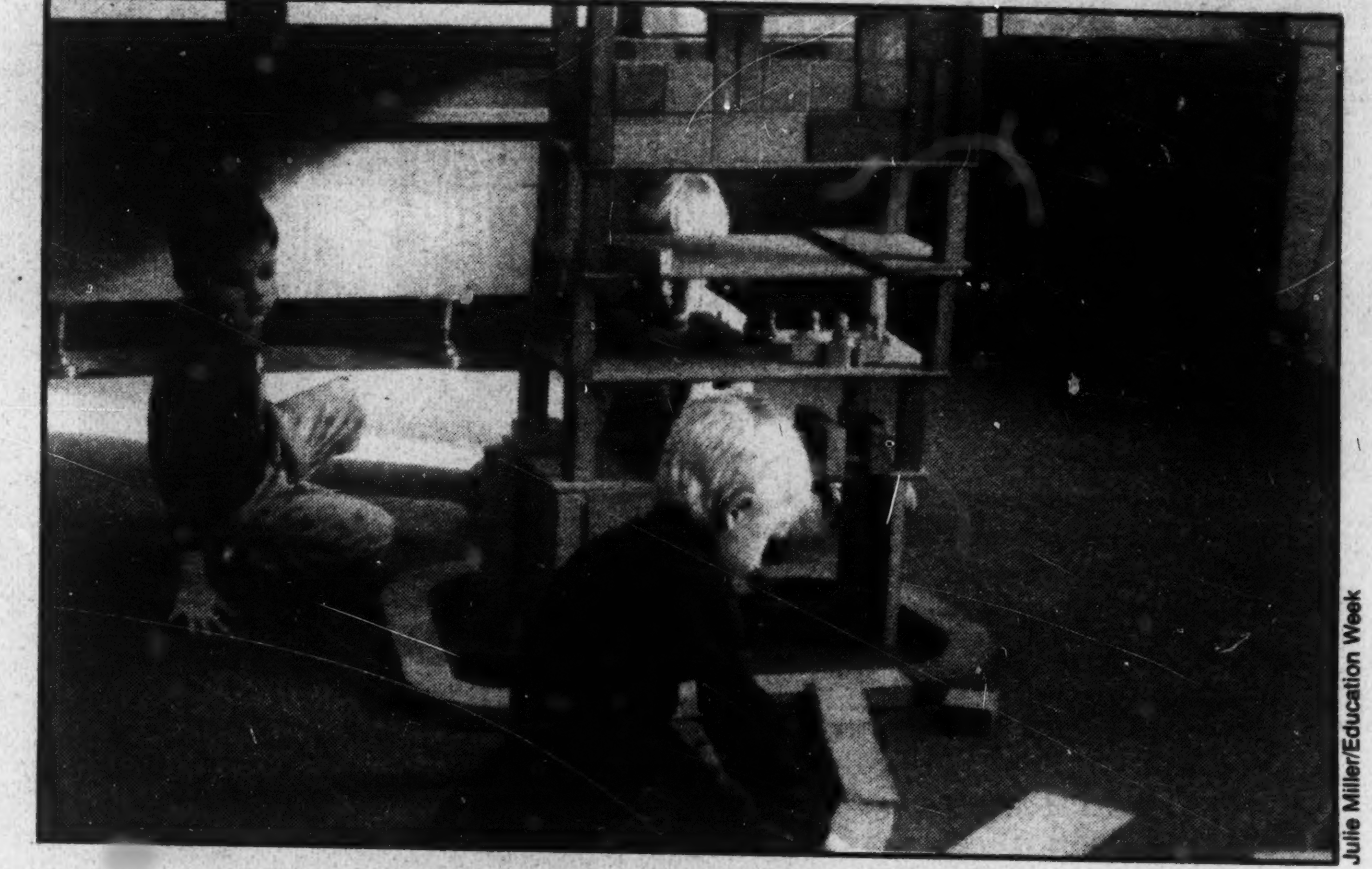
There are places that have to drastically rethink the way their Chapter 1 resources are applied."

–Mary Jean LeTendre



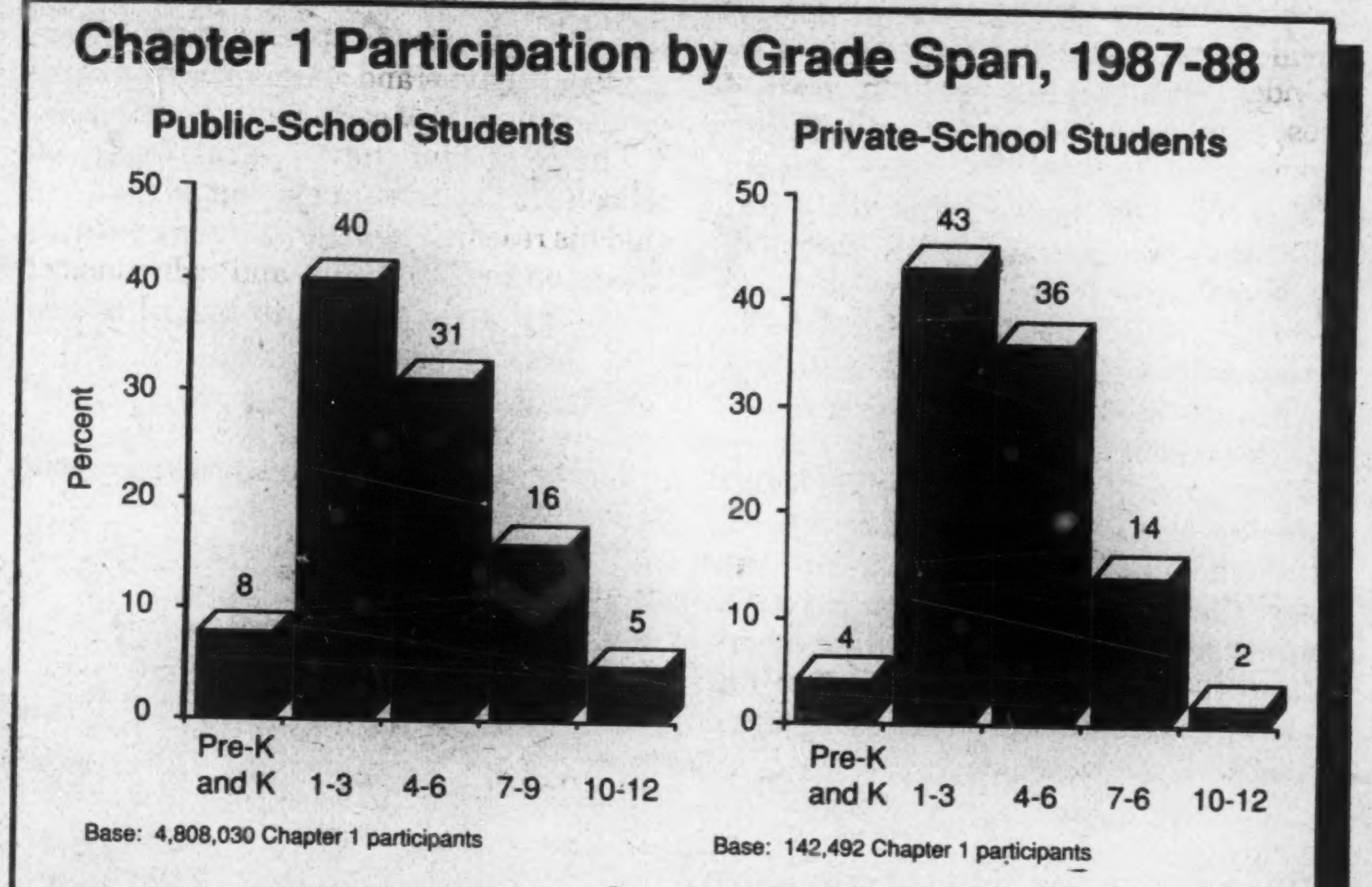
The problem is that what we do with Chapter 1 funding is the opposite of what's good for kids.

–Henry M. Levin



Julie Miller/Education Week

Children in a Chapter 1-funded preschool class at School No. 45 in Buffalo, N.Y. The district is often mentioned as a model for parent involvement.



Chapter 1 Participation by Grade Span, 1987-88

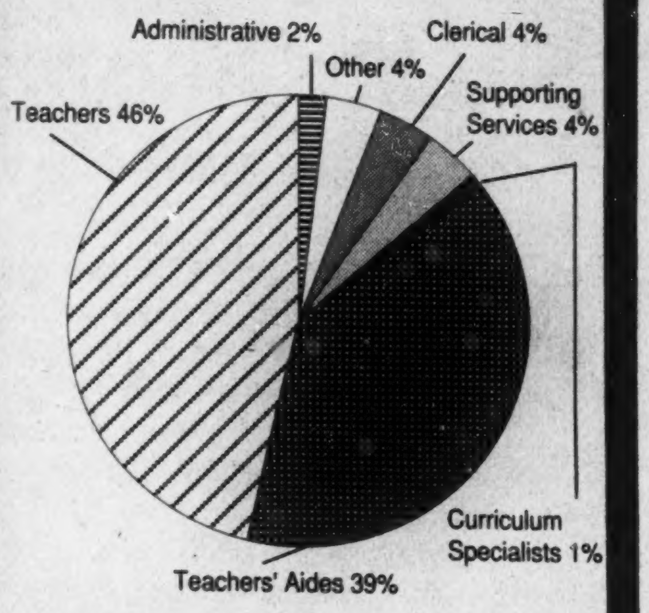
Base: 4,808,030 Chapter 1 participants

Base: 142,492 Chapter 1 participants

Note: Percentages do not add up to 100 because of rounding.

Source: "A Summary of State Chapter 1 Participation and Achievement Information for 1987-88," U.S. Department of Education, 1990

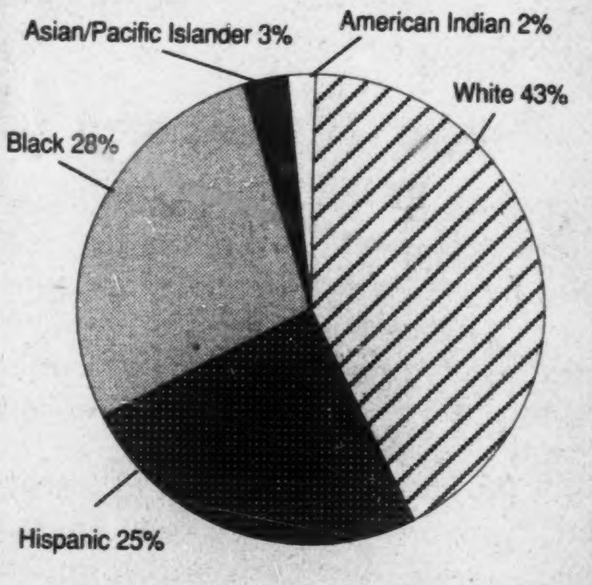
Chapter 1 Full-Time Equivalent Staff by Classification, 1987-88



Note: The "other" F.T.E. staff category includes such positions as parent coordinator, tutor, consultant, language specialist, bookkeeper, parent consultant, and social worker.

Base: 143,616 staff menbers

Chapter 1 Participants By Racial/Ethnic Classification, 1987-88



Note: Percentages do not add up to 100 because of rounding.

Base: 4,953,783 participants for which data were reported

Source: "A Summary of State Chapter 1 Participation and Achievement Information for 1987-88," U.S. Department of Education, 1990

year in the use of computers and keeps a library of more than 2,800 pieces of software for their perusal.

Computers allow students to work at their own pace, teach them how to learn independently, allow teachers to help more students at once, and provide something that is clearly an addition to their regular program. Some Chapter 1 teachers have software that specifically diagnoses individual students' strengths and weaknesses.

Many Chapter 1 programs also train parents to work on computers with their children, and some even allow them to take computers home.

But some teachers say the most important benefit of computers is their effect on the motivation of Chapter 1 students and on the attitude of other students toward those who are in the program.

A Motivational Tool

"It's a great motivator, because the kids think it's like Nintendo," said Lynne Farmer, a Chapter 1 teacher at R.S. Vial Elementary School in St. Charles Parish, La. "It's like giving a Tupperware party: You've got to sell it, and you can't do it with Raggedy Ann anymore; you have to do it with Ninja Turtles."

In Framingham, Mass., Chapter 1 students are occasionally allowed to bring other students to the computer lab as "guests."

"This gives them a new prestige," said Karen Mathany, the district's Chapter 1 coordinator. "It's a whole new attitude toward Chapter 1."

"I get calls from parents who say, 'How do I get my kids in your program? What side of town do I have to live on?' " she added.

One program that is currently drawing great interest from Chapter 1 teachers is based entirely on computer instruction.

"HOTS" was created specifically for Chapter 1 students by Stanley Pogrow, an associate professor of education at the University of Arizona. The name is an acronym for "higher-order thinking skills," and that is what his program is designed to teach.

The program consists of a variety of computer programs for students in grades 3 through 6, ranging in complexity from a computer version of the paper-and-pencil game "hangman" to a lengthy game called "Oregon Trail," in which students play the part of homesteaders.

What the programs have in common is an emphasis on independent thought and problem-solving. Teachers are trained to avoid giving students the answers.

"One of the difficulties Chapter 1 students have is that they aren't able to generalize their reasoning skills," said Jim Tickle, Chapter 1 coordinator in Fall River, Mass. "We focus on rote memorization. This puts them in situations where they are really challenged to develop solutions to problems."

Added Mr. Pogrow, "By the time kids get to the 4th grade, the problem is no longer a knowledge deficit, but that they don't understand how to understand."

He said the program has produced standardized-test gains double the national average for Chapter 1 students, and has grown exponentially from an original group of 14 schools. About 775 currently participate, and Mr. Pogrow expects that to nearly double next year.

Mr. Pogrow notes that his program "really runs counter to a lot of the reform rhetoric that's out there," in that it is focused on particular students.

"I see nothing wrong with pulling kids aside if you're giving them something good," he said.

Mr. Pogrow also pointed out that another program that has been shown to be successful with disadvantaged children, and is also a hot topic of discussion now among Chapter 1 teachers, is Reading Recovery, which emphasizes intense one-to-one instruction for individual students. *(See Education Week, Nov. 7, 1990.)*

The extent to which Chapter 1 has improved the academic performance of its target population is disputed, with most research showing only modest gains as compared with other students. *(See related story, page 8.)* But there is no doubt that the program has had a profound impact on American schools.

The Legacy of Chapter 1: New Money, New Roles

Title I was the leading edge of a wave of federal funds that has become a small but significant part of school budgets and led to a greater federal role in education.

"In the beginning, we were afraid to accept the money for fear of federal control," said Mr. Mathews, the Chapter 1 coordinator for Mississippi. "It was deemed tainted federal money. Now they say the money is still tainted, but 'taint enough of it."

Many say the comparability requirements that mandated equal state and local expenditures on Title I schools did more to advance the cause of equal opportunity than did the courts.

"By the time comparability was established, school districts had gotten to like the money, and it became an effective tool," Ms. McClure of the NAACP Legal Defense Fund said. "This was Title I's greatest legacy."

"Title I changed the funding philosophy of education greatly," Mr. Hughes said. "It's now acceptable to give more money to the disadvantaged because they are at risk."

Title I was also a catalyst for the awakening of state education agencies into a force to be reckoned with. The E.S.E.A. provided federal funds—$25 million the first year—specifically to strengthen state agencies. Those agencies were gradually given more and more authority to monitor local programs.

"It wasn't just the feds stepping in and asserting an increased role and less power for state and local governments," Mr. Weckstein of the Center for Law and Education said. "It gave states some authority to oversee this money. That gave them a role they didn't have before and spawned state compensatory programs that didn't exist before."

"At the local level," he said, "it empowered certain people, certain staff, and certain schools by forcing changes in resource allocation."

The inclusion of private-school children in the program forced public- and private-school educators to collaborate on a service-delivery plan and opened up lines of communication between them in some cases.

"I'll never forget going back to my district to talk about the new act to educators in Rochester, Minn.," Albert Quie, who was a Republican Representative in 1965, said last year at a hearing commemorating Chapter 1. "There were public and parochial teachers and administrators, and they got along extremely well. I asked them how often they got together, and they replied, 'Never before.' "

Parent Involvement

Many observers also give Title I a great deal of credit for spurring attention to the importance of involving parents in their children's education.

"Now the need for parental involvement is part of the conventional wisdom," Mr. Hughes said. "I consider that one of the victories of Title I."

In some instances, parent advisory councils established at the school and district levels have become a base for the political empowerment of poor people.

"Low-income parents realized they had some rights, and began speaking up," said Lucy Watkins, an education specialist at the Center for Law and Education. "They became volunteers, got part-time school jobs, went back to school."

Some parents started as advisory-panel members and ended up running for elected office.

"People learned how to conduct a meeting, how to write their legislator," said Mr. Eberhardt, the Oregon coordinator. "They learned they could write a letter and someone would respond. Parents began going to school-board meetings. That took some power away from the existing structure."

But many educators complained of interference, and, they said, the 1978 rules, which detailed such things as how council members were to be elected, were unduly prescriptive. When the program became Chapter 1 in 1981, the parent-involvement provisions were perhaps the most heavily pared of all, reduced to one paragraph requiring only an assurance of consultation and an annual informational meeting.

Some districts maintained their advisory councils and their links with parents. But more, in the words of Mr. Eberhardt, "dropped them like a hot potato."

In a 1984 study, the Children's Defense Fund found a "significant decline in organized parent involvement" in 25 states surveyed.

Retaining Ties to the Program

In 1988, the Congress required schools to have specific plans for parent involvement, but did not mandate the reconstitution of

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CHAPTER 1:

Research

Studies Show Mixed Results, Spur Calls for Changes in Program

By Julie A. Miller

Although Chapter 1 has funneled more than $60 billion in federal funds to school districts over the past 25 years, research does not unequivocally back up lawmakers' apparent faith in the compensatory-education program.

"After more than two decades of study, evaluators have declared it to be 'a program that works,' a program which has produced modest gains, and a virtual waste of taxpayers' money," a group of researchers recently wrote in a paper summarizing the research literature on Chapter 1.

The paper, obtained in draft form by *Education Week*, was written for the Education Department in preparation for a massive, unprecedented longitudinal study of Chapter 1 students that aims to answer some of the outstanding questions about the program's efficacy. The authors collaborated on the study design and hope to win a contract to actually conduct it as well.

"The research that exists to date basically says Chapter 1 does work in the sense that it helps kids do better than they otherwise would have done," said Robert E. Slavin, a researcher at Johns Hopkins University who is widely considered a national expert on Chapter 1.

But, he added, the research also shows that the program "doesn't work well enough to help them catch up with their more advantaged peers."

"Has it been a waste of money? Not at all," said Mr. Slavin, director of the elementary-school program of the Center for Research on Effective Schooling for Disadvantaged Students. "I think most people would say it's made a difference, but when you look at the picture of what poor kids, minority kids are doing, you have to say we need to do something different."

Stanley Pogrow, an associate professor of education at the University of Arizona who has designed an acclaimed, computer-based program to teach thinking skills to Chapter 1 students, offers a blunter assessment.

"Let's face it: Chapter 1 is ineffective," he said. "The kids you're serving never get out of Chapter 1. The problem isn't with the concept, but with the way school districts use the money."

Studies Show Mixed Results

Data from the National Assessment of Educational Progress show that the achievement of disadvantaged and minority children has improved relative to that of the general population since the inception of Title I in 1965. According to the "National Assessment of Chapter 1," which was mandated by the Congress in preparation for reauthorization of the program in 1988, that trend became particularly evident with children born after 1963, who would have entered school in the late 1960's, when the federal program was becoming fully operational.

However, studies specifically designed to measure the impact of Chapter 1 programs show mixed results, with most finding modest gains.

"Even when you look at what Chapter 1 calls its exemplary programs, you don't find that they systematically bring children into the mainstream, even over several years," said Henry Levin, a professor of education and economics at Stanford University and the director of its Center for Educational Research. "You find that a kid who's in the 15th percentile comes up to the 20th percentile."

The only comprehensive national study to date on the achievement of Chapter 1 students is the "sustaining-effects study," which was commissioned by the federal government in the late 1970's.

Researchers collected achievement data on 120,000 students in 243 schools in 1976-77, then followed a smaller group of students over two subsequent years. It found that students served by what was then called Title I generally improved more over the course of a year than did other "needy" students who did not receive services.

Children in mathematics programs and students in the early grades showed the greatest gains, while reading students in grades 4 through 7 did not improve appreciably faster than the comparison group.

Moreover, the limited longitudinal data collected for the sustaining-effects study indicated that participating children eventually lost much of the ground they had gained after exiting from the Title I program.

The most recent "National Assessment of Chapter 1," which was completed in 1987, included re-analysis of the "sustaining effects" data that used new statistical techniques to form comparison groups more similar to the Title I students in the sample. The researchers found that "the more similar the comparison group was to Title I participants, the greater the achievement benefits associated with Title I participation."

Test Scores Analyzed

The national assessment also analyzed test scores collected by school districts, which showed that the average Chapter 1 student improved his national percentile ranking slightly over the course of the 1983-84 school year.

The authors concluded that Chapter 1 students achieved greater increases in their test scores than comparable students not participating in the program, but that "their gains do not move them substantially toward the achievement levels of more advantaged students."

Researchers also say that existing studies offer no conclusive evidence for the superiority of either "pullout" instruction, for which Chapter 1 students leave their regular classrooms, or in-class assistance.

"Based on the research that has been conducted to date, we cannot conclude with confidence either that pullout is more effective than in-class instruction or that the opposite is true," said the recent research summary, which was prepared by the group of contractors who collaborated on designing the upcoming longitudinal study.

While researchers acknowledge that studies to date have failed to find large gains by Chapter 1 students, they hasten to point out that the lack of sharp results could be due, at least in part, to the difficulty of measuring the program's impact.

The researchers cited several difficulties, including:

- The variability of Chapter 1 programs.

Federal regulations set some guidelines, but schools have a great deal of leeway to design their own instructional programs for Chapter 1 students. Students in different schools can receive very different services, and those services can be offered at a wide range of intensity levels.

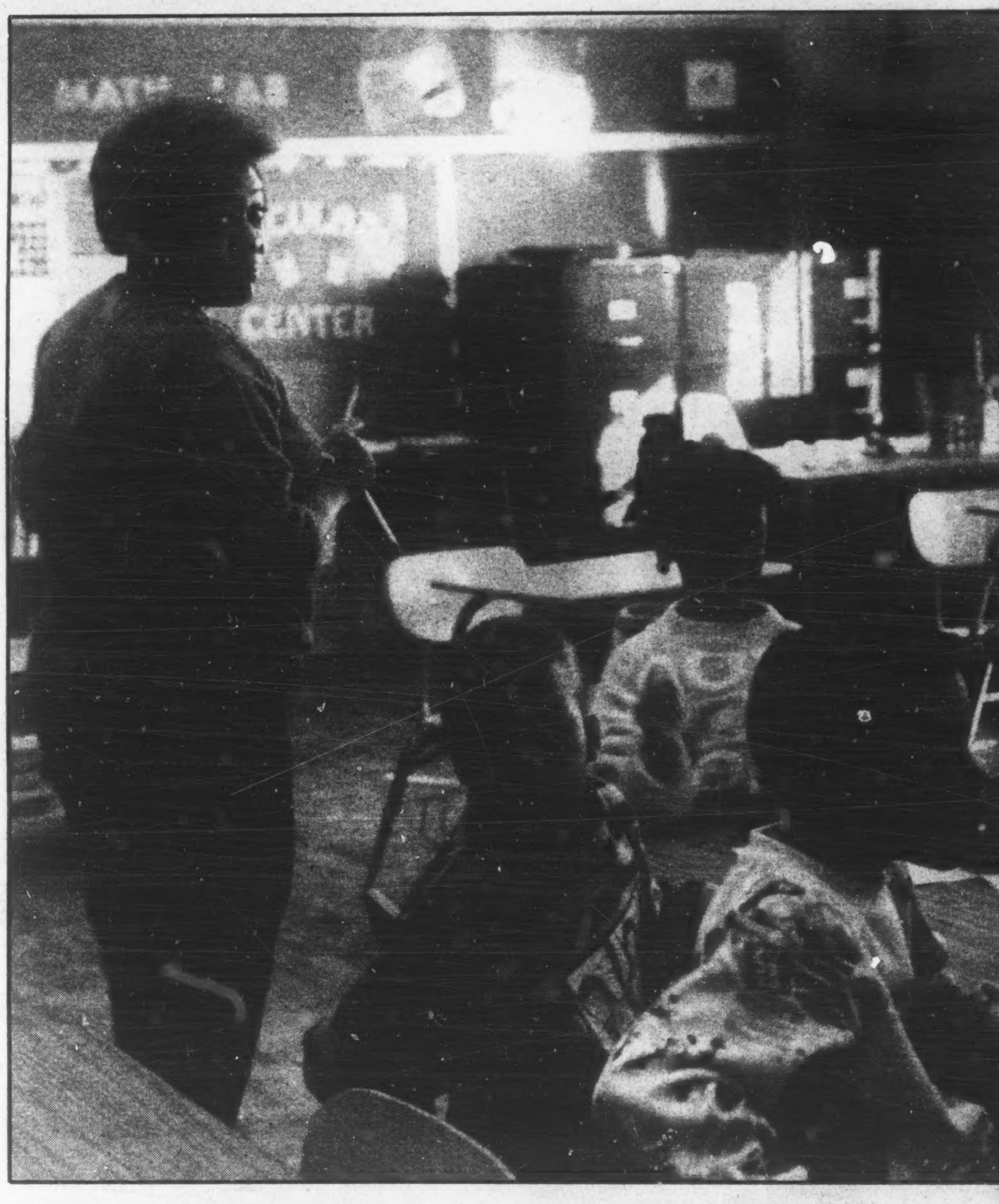
- The exceptional mobility of the Chapter 1 population.

Many children cannot be retested over time, and it is impossible to determine which school's program is responsible for the gains some mobile students make. The children who are most successful leave the program and often are not retested, possibly causing an understatement of the program's impact.

- Isolating program effects from the impact of a child's regular school program.
- Lack of adequate control groups.

Probably the thorniest problem facing researchers trying to evaluate Chapter 1 is the difficulty of finding a similar group of students not receiving services with whom Chapter 1 students can be compared.

"It's hard research to do because most of the kids who qualify for Chapter 1 services are receiving them," Mr. Slavin said.



Comparing Students

By definition, students receiving Chapter 1 services are needier than classmates who do not, and schools receiving Chapter 1 funds serve a more disadvantaged population than others in the same district that do not receive funds.

Comparing students in different schools and schools in different districts means having to ensure that results are not skewed by differences in demographics, resources, and school philosophy unrelated to Chapter 1.

"It's costly to do; it's hard to do; it's a complex issue, and it takes considerable effort and thought," said Elois Scott, who is overseeing the longitudinal study for the Education Department's planning and evaluation service. "But our data show that there are similar kids in similar schools who may or may not be receiving services."

According to study documents, Ms. Scott, and Mr. Slavin, who contributed to the study design, it aims to circumvent these problems by using several different approaches at once, comparing:

- Schools and students that are near the "cutoff point" for Chapter 1.

In a given school, only a certain number of children can be served, and those whose achievement is either barely high enough to place them out of Chapter 1 or barely low enough to qualify them can be compared. Likewise, some districts have two similar schools, one with just enough low-income students to get Chapter 1 funds and one with barely too few.

The disadvantage of this approach is that it does not study the most disadvantaged children.

- Comparing similar children who received reading instruction with those who received help in math.
- Trying to match students with similar characteristics in different schools while controlling for differences between schools.

Ms. Scott said 247 participating districts and about 300 schools have been chosen in 46 states. She said districts were chosen to give the most representative sample, and that those reluctant to participate will essentially be forced to do so.

"We're trying to encourage them, because the study is so important, not only for Chapter 1 but for what it can tell us generally about the education of disadvantaged children," Ms. Scott said.

However, she said, "it is our interpretation" that Chapter 1 regulations require districts to provide whatever information is deemed necessary.

Julie Miller/Education Week

Chapter 1 classrooms at White Elementary School in Detroit, left, and Westgate Elementary School in Jefferson Parish, La., above. Studies specifically designed to measure the impact of Chapter 1 programs show mixed results, with most finding modest gains in student achievement. "Even when you look at what Chapter 1 calls its exemplary programs, you don't find that they systematically bring children into the mainstream, even over several years," says Henry Levin, a professor of education and economics at Stanford University.

Data collection is to begin this spring. The study team will administer standardized tests to children in grades 1, 3, and 7. The youngsters will also be surveyed about their school and extracurricular activities.

Several Surveys Planned

Teachers, administrators, and parents will be surveyed about "kinds of services, level of service, coordination between programs, the type of curriculum used in the regular program and how it relates to Chapter 1, emphasis on higher-order skills, attitudes," Ms. Scott said.

In addition to academic achievement, the study will track trends in delinquency, retention, school grades, and dropout rates.

The researchers plan to follow the children over several years as well as to create a larger longitudinal sample by matching similar children in the different age groups.

Ms. Scott said they will try to follow all children who move within a district and all dropouts, and will follow as many of those who move to another district as possible.

"Existing research has not followed students or looked at dropouts," she said. "It also hasn't taken a single group of kids and followed them all the way through."

The data will be sufficient to make comparisons between major ethnic groups, and an additional grant from the department's office of bilingual education and minority-languages affairs will enable researchers to sample enough limited-English-proficient students to draw conclusions about them. The department decided, however, that adequately sampling Indian students would be too expensive, Ms. Scott said.

The Congress has authorized a total of $22 million for the study.

"A lot has happened since the sustaining-effects study—the whole reform movement and emphasis on higher-order thinking skills," Ms. Scott said. "I think we may find something very different about academic achievement and how it is sustained in these kids."

Congressional Assessment

In addition to the longitudinal study, which is not due until 1997, the Education Department is beginning a new "national assessment" to be completed before the Congress is to reconsider Chapter 1 in 1993.

The law authorizing the study specifically mandated an independent advisory panel and prohibited the department from altering the contractors' work.

That study is to examine:

- The implementation and efficacy of new provisions written into the 1988 reauthorization law, including rules for operating schoolwide projects, parent-involvement requirements, and program-improvement provisions that require remedial action to improve programs whose students show insufficient academic gains.
- How Chapter 1 funds are allocated, how children are chosen, and the number of eligible children not being served.
- The qualifications of Chapter 1 instructors.
- The effectiveness of Even Start, which combines adult literacy and parenting programs with preschool for young children, and of programs for migrant students.
- Student achievement, "as reflected by student attendance, behavior, grades, and other indicators of achievement." ■

25 YEARS

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formal advisory panels.

While surveys indicate that the number of districts with parent advisory councils has increased since their decline in the early 1980's, only 31 percent of Chapter 1 districts reported operating them in the 1989-90 school year, according to a 1990 report on implementation of the latest Chapter 1 amendments prepared for the U.S. Education Department by Policy Study Associates.

"It depends on who you are working with, what the administration's attitude is," said Ann Stuckey, a Memphis resident who got involved with Title I when her child was enrolled 14 years ago and now is employed as a liaison to parents. "There's still a lot of stigma between parents and administrators."

In a series of visits to schools in Detroit, for example, many principals and teachers voiced frustration at their inability to get parents' attention, recounting efforts to find them transportation or even to pay them to attend meetings.

Some parents said they were satisfied with their schools' efforts; others complained that they were shut out of decisionmaking.

Mr. Hirsch, the district administrator, called some schools' plans for involving parents "weak," but also complained that "there are politically active people, some of whom don't even have children in the program, who push themselves to the forefront and intimidate the real parents of Chapter 1 children."

"If we really had parent involvement like the law intended, we would have an easier time remediating these kids," Mr. Hirsch said. "But all some of these people care about is getting money to attend conferences."

Bill Tate, a Detroit resident who once had a child in the program and now represents other parents, said district officials "don't appreciate the need for trained parents sharing ideas."

Noting that some Chapter 1 parents do retain ties to the program after their children graduate from it, Ms. Watkins of the Center for Law and Education said: "Educators are right to fear that, that [current] parents will be intimidated. [But] there is also reason to fear that parents new to the program won't know their rights if they haven't been tutored by people who are old hands at it."

The Policy Study Associates report found that the most popular form of parent involvement is conferences for parents, offered by 70 percent of districts in 1989-90, followed by dissemination of home-based educational activities, used by 37 percent, and the use of parents as classroom aides, reported by 28 percent.

Some districts also hire parents to serve as liaisons or to offer instruction to parents who lack literacy, parenting skills, or a proficiency in English.

Buffalo's Parent Center

One district that is often mentioned as a model for parent involvement is Buffalo, where schools pursue virtually all the parent-involvement activities noted by the report, but the centerpiece of the district's outreach efforts is a multi-use parent center.

Places where parents can come to work with their children and learn to use educational materials are a growing trend, according to Chapter 1 experts. The Policy Study Associates report found that, while only 9 percent of Chapter 1 districts had parent centers, it was the parent-involvement activity that expanded most between the 1988-89 and 1989-90 school years.

Buffalo was one district that retained its parent advisory councils, and parents and administrators said the districtwide council suggested a parent center after hearing about one in Ohio.

"When we were facing desegregation, there were forums for parent input," said Howard Lewis, the district's Chapter 1 director. "Things went so well that the district decided parent involvement is a good thing."

Mr. Lewis, who has been involved with Chapter 1 almost since its inception, worked out an arrangement whereby the local Urban League gave the district space downtown for a parent center at a reduced rent in exchange for limited access to the computers it would buy.

The school board pays the rent and the cost of evening staff, while $250,000 of the district's $15.6-million Chapter 1 allocation pays for the daytime staff and half the equipment purchases.

The center is an immense, open space that was once a bank. It is ringed on three sides by second-floor conference rooms that look out over two large ground-floor rooms. One contains 60 computers and headphones for those who cannot read well. Some of the equipment is on carts so people in wheelchairs can use it.

The other room resembles an impossibly well-stocked kindergarten, bulging with toys, books, and blackboards. On one side is a tiny room with a one-way mirror, allowing parents to watch their children interact with professionals.

The computers are used both by students and their parents, and can be taken home.

The center also sponsors workshops for parents in everything from computer training to crafts. A room behind the open, central area provides space for dances, aerobics classes, and dinners as well as a sewing nook.

"It's important that children see their parents at the computer, at the sewing machine, doing something constructive," Mr. Lewis said.

He said parents are referred to the center by teachers, or recruited by center personnel from lists sent by the schools.

Transportation is offered from various points in the city, and the parents roll in every evening in waves as the buses arrive. Some use it as a well-lighted place to watch their children do homework. Some are primarily interested in the computers. Others read to their children from the center's collection of books.

Some said the center has become their meeting place.

"Coming here has taught me how I can help my child," said Johnetta Cole from her seat before a computer screen. "I was suspicious at first, but there is just so much available here. I can actually take this computer home."

"My daughter wouldn't let me stop coming even if I wanted to," she said.

Since the center is less than two years old, Mr. Lewis said, it is too early to say whether it has produced measurable increases in student achievement. The district has commissioned a study of children who are active at the center, which is to be completed next year.

In any case, Buffalo does post high test scores for its Chapter 1 children. Mr. Lewis said 94 percent of those children scored above the state average on reading tests last year and 89 percent did so in mathematics.

Mr. Lewis also noted that increasing test scores is not the center's primary purpose.

"The children who are referred to us have had some kind of adjustment problem," he said. "This is dissipating. It is important just to get parents to commit some quality time."

A Look to the Future

In its 25th year, Chapter 1's existence is no longer threatened, and the battle over the restrictiveness of its regulations has been muted by the Congress's move onto middle ground in 1988.

But the program is also under increasing scrutiny by educators disappointed with the pace of student achievement gains. Even Chapter 1's strongest advocates are looking critically at the way it works and at the results that are obtained.

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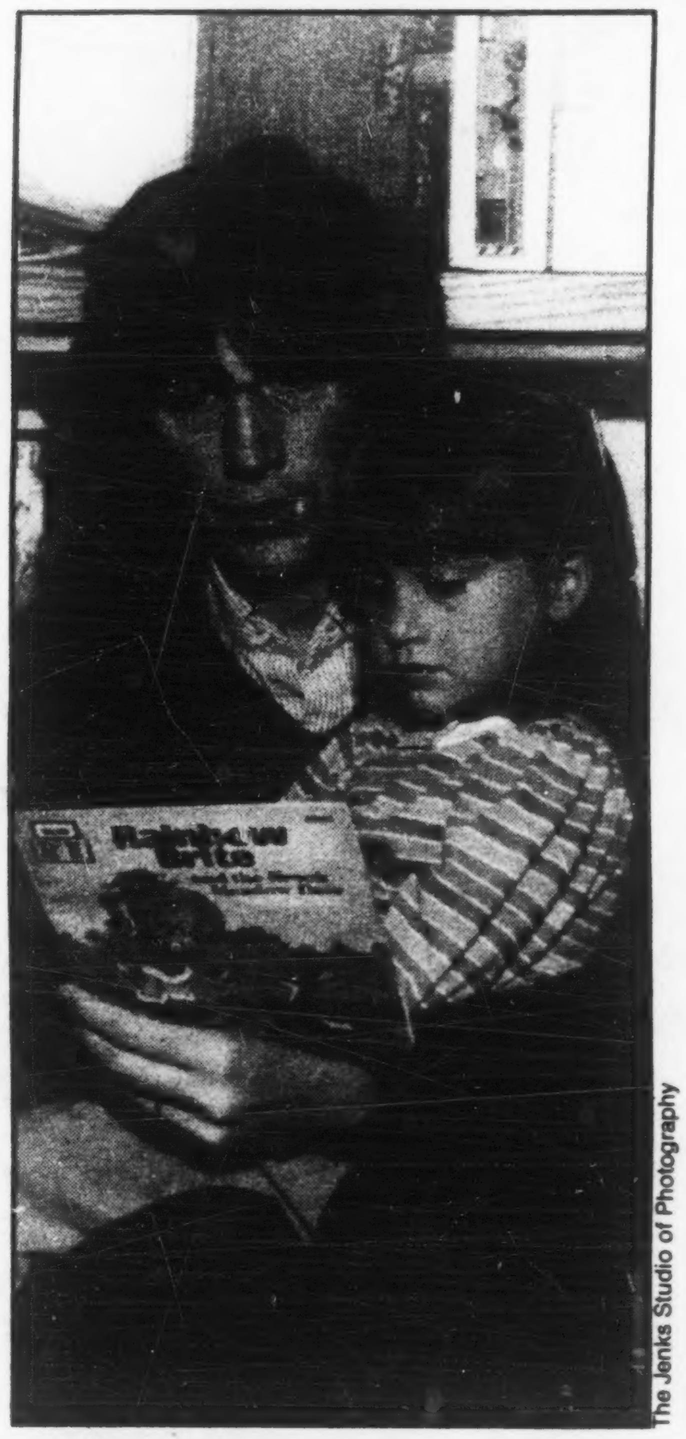
Below, Linda Desrochers and her daughter, Julie, read together during a session of the family-activity group that meets twice a week as part of a Chapter 1 preschool class at the Danville (Vt.) School. Right, Betty Williams works with a student on a reading assignment in a special-education class at Sims Elementary School in Austin, Tex., that receives Chapter 1 funding.

Eric Beggs



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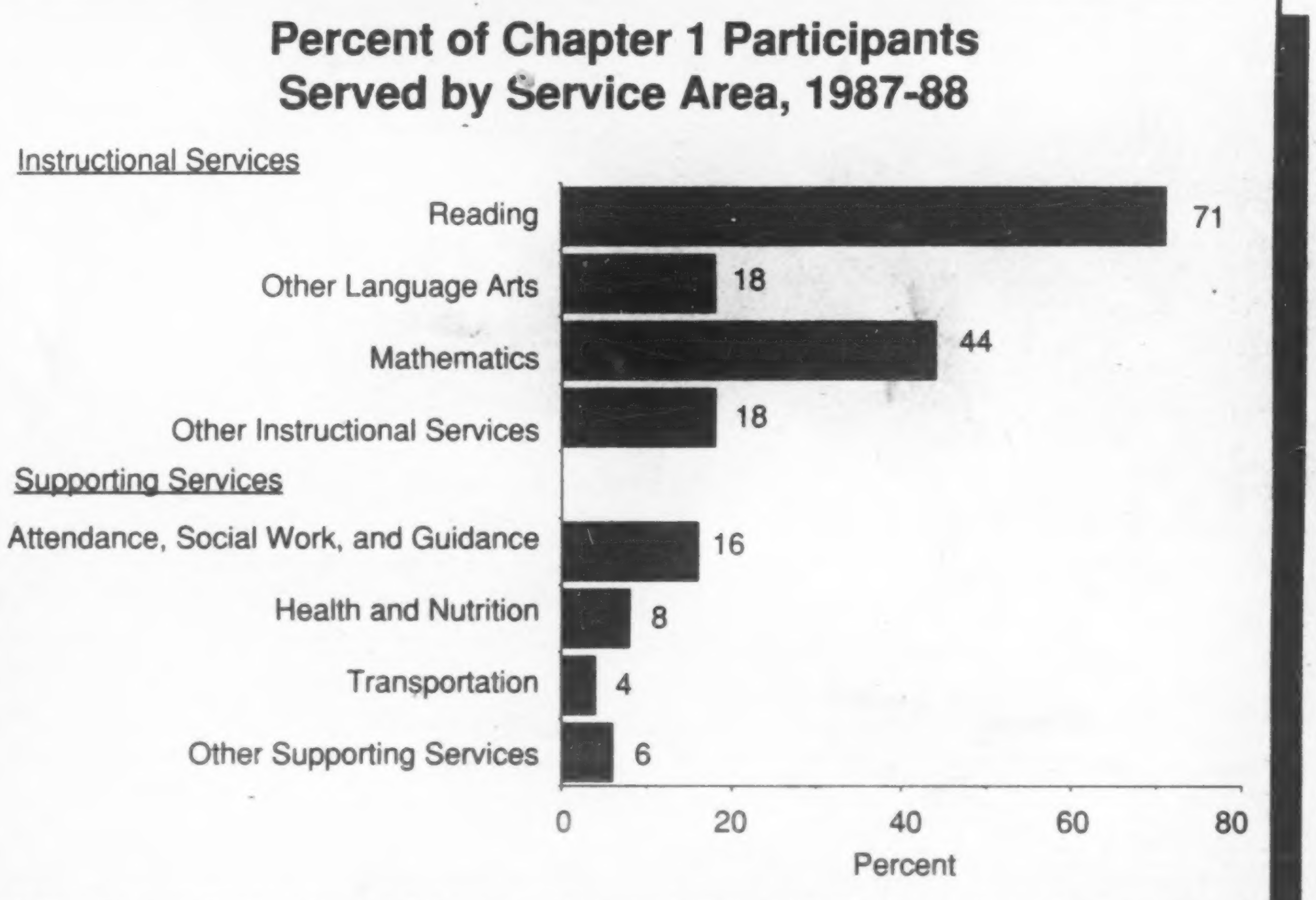

Percent of Chapter 1 Participants Served by Service Area, 1987-88

Note: Other instructional services include tutoring, oral language development, basic skills, vocational education, preschool, readiness, and transitional. Other supporting services include media, supplemental eye screening, speech therapy, library, field trips, clothing, and nurse.

Base: 4,950,522 Chapter 1 participants

Source: "A Summary of State Chapter 1 Participation and Achievement Information for 1987-88," U.S. Department of Education, 1990

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Several formal efforts to assess Chapter 1's successes and shortcomings are under way:

- The Education Department has undertaken a massive, unprecedented longitudinal study that aims to answer lingering questions about the achievement of Chapter 1 students and about what makes a program successful.
- The Congress has also commissioned a new "National Assessment of Chapter 1," due before it is to be reauthorized in 1993.
- The Council of Chief State School Officers has convened an independent commission of educators, researchers, and child advocates to study Chapter 1 and recommend ways it could be improved.
- The American Association of School Administrators is planning a series of public forums at varied sites across the country to gather opinions and information in preparation for 1993, according to Bruce Hunter, an associate executive director of the group.

Many of the issues raised during the upcoming reauthorization are likely to be familiar, related to the enduring tension between flexibility and accountability.

But while traditional regulatory questions will surely be raised—child advocates, for example, will likely push for stronger parental-involvement mandates—the federal officials, lawmakers, and advocates have indicated that they are interested in bolder changes and new approaches.

"We've got to stop saying these things are motherhood and ice cream," said Representative Bill Goodling of Pennsylvania, the ranking Republican on the House Education and Labor Committee. "We need to improve the programs, not just get more money to cover more people. We need to rethink the whole enterprise."

Most observers see the program moving from a focus on financial accountability and regulatory compliance to accountability based on results.

And the 1993 debate will be strongly influenced by what the ongoing studies of Chapter 1 conclude about the success or failure of the Congress's first attempts to move the program in that direction.

Mr. Jennings said he thinks that the Congress may try to instill greater flexibility in the program and that lawmakers will look closely at the results achieved by schools that have taken advantage of the 1988 amendment that made it easier to operate a schoolwide project.

"We may learn that total flexibility is not right, or we may learn that it's the way to go," Mr. Jennings said. "But we have to know what happened in those buildings. Was the money wisely used?"

The Congress also will examine the impact of the program-improvement process that was created in 1988, requiring schools whose Chapter 1 students do not show sufficient gains in achievement to institute improvement plans, and eventually to accept state intervention.

Observers agree that process is likely to be retained, but it will probably be adjusted. The biggest issue is expected to be whether minimum standards should be raised.

"Until the 1988 amendments, there was almost an exclusive focus on accountability rooted in process," said David Hornbeck, an educational consultant and a former Maryland state superintendent of education who is the chairman of the C.C.S.S.O.'s Chapter 1 commission. "We're moving in the right direction now, but the experiment with program improvement is really quite modest."

"I think the standards ought to be higher," he said. "I think the standards in American public education across the board ought to be higher."

The Bush Administration has jumped the gun, indicating that it intends to propose a radical change in Chapter 1 as part of an education strategy unveiled last month by President Bush and Secretary of Education Lamar Alexander. In keeping with the Administration's focus on school choice, the President plans to seek legislative changes that would allow Chapter 1 funds to "follow" a child to a public or private school under choice plans.

How this would work is still unclear, and many lawmakers have said they will withhold judgment until legislation is forwarded later this month. But most observers agree that the Congress is unlikely to entertain a radical overhaul two years before reauthorization, and that lawmakers would be likely, in any case, to reject a proposal to convert Chapter 1 into a voucher program.

The Reagan Administration floated that idea in the 1980's, proposing first that parents of eligible children be allowed to apply Chapter 1 funds to private-school tuition and later that they be able to purchase remedial services at the school of their choice.

"That went down in flames the first time," Mr. Jennings noted. "We are not about to change Chapter 1 into a choice incentive."

"The focus of the program is appropriate, and it's going to become more appropriate in the future," he said. "The question that has to be asked is whether the form the program has evolved into is the proper form." ■

This special report on the Chapter 1 compensatory-education program was underwritten by the John D. and Catherine T. MacArthur Foundation.

Rebecca Cook

We try to serve the worst off, but I also look for those I think there is hope for.

–Betty Yee

The big bugaboo about the Chapter 1 population is that it's an unstable, mobile population.

–Billie Joan Gibbs

At the local level, [Chapter 1 has] empowered certain people . . . by forcing changes in resource allocation.

–Paul Weckstein

It's important that children see their parents . . . doing something constructive.

–Howard Lewis

CHAPTER 1:

Program Improvement

New Provisions Forcing a Critical Look at the Quality of Services

By Julie A. Miller

When the Chapter 1 law was rewritten in 1988, the most significant and controversial change was the addition of provisions requiring remedial action, and eventually state intervention, to improve programs whose students do not show sufficient academic gains.

Almost three years later, "program improvement" has forced educators in thousands of schools to take a critical look at the way they serve disadvantaged children, in some cases for the first time.

"We're focusing on the quality of the programs, rather than on compliance [with regulations], and that, therefore, is sending Chapter 1 in a new direction," said Mary Jean LeTendre, director of compensatory-education programs at the U.S. Education Department. "In the view of people who are administering Chapter 1 at the state and local levels, you can no longer give kids tests and file them away without doing anything about it."

Virtually all the educators interviewed agreed that program improvement is a good idea, at least in theory. But while some think it will boost student achievement as intended, others are more skeptical.

"It's hard to argue with the idea that you should improve programs that aren't working," said Joseph Hirsch, an administrative assistant who helps manage Chapter 1 programs in the Detroit public schools. "It's embarrassing that the federal government had to come in and tell educators to do this."

However, he said, "It's like sticking a thermometer in someone's mouth. It tells you something is wrong, but not what is wrong. And it doesn't necessarily give us the tools to do something about it."

Many educators affected by the process say it has already had positive effects, by spurring them to take a fresh look at their programs, encouraging collaboration among school staff members, prompting states to provide more assistance to local programs, drawing attention to Chapter 1, and causing schools to redouble efforts to involve parents.

A Stacked Deck?

But some educators feel that the deck is stacked against them. They complain that the tests used to measure student achievement are biased against disadvantaged children, that improvement in such areas as attitude and communications skills cannot be gauged on the tests, and that the mobility of the Chapter 1 population results in an understatement of student gains.

"I like the concept, but it creates anxiety," said Jim Tickle, the Chapter 1 coordinator for the Fall River, Mass., public schools. "It seems like punishment for those who work in the most challenging areas."

Some educators go so far as to argue that many Chapter 1 students are so disadvantaged in so many ways that no remedial program—or at least no program they can fashion with the resources at hand—can hope to bring them completely into the mainstream. For some students, they say, seemingly low scores actually represent a victory.

Meanwhile, representatives of parent groups and child-advocacy organizations argue that program standards are too low and that low expectations on the part of educators are the real issue. Such groups, along with the Council of Chief State School Officers, strongly supported program improvement as a way to force schools to face their problems.

"I think the standard they have set is going to undermine it to some extent," said Paul Weckstein, a lawyer at the Center for Law and Education who has represented the National Coalition of Title I/Chapter 1 Parents. "The standard that's being used is [test score] gains, instead of setting desired outcomes in terms of basic and advanced skills, as the statute requires."

While the federal regulations do not suit some parent advocates, federal officials agree the standards should be higher. Ms. LeTendre has repeatedly exhorted educators to set higher standards on their own and to try new instructional approaches.

Rebecca Cook

A student builds a tower in his preschool class at Lynch Elementary School in Detroit. Lynch is among dozens of "program improvement" schools in Detroit.

"If you say that with extra help nothing more is going to happen for the children than to stay even," she said, "I'd say you don't belong in teaching."

5,000 Schools Identified

Using 1988-89 data to identify schools for program-improvement efforts, Chapter 1 schools began grappling with the new provision in the 1989-90 school year.

According to surveys by the Education Department and the National Association of State Chapter 1 Coordinators, most state agencies and school districts chose to use the lowest possible standard, targeting for improvement only those programs in which average student achievement remained stagnant or actually declined.

Of the 53 agencies involved—in 50 states, Puerto Rico, the District of Columbia, and the Bureau of Indian Affairs—only 16 adopted a higher standard.

Even so, approximately 5,000 schools, about 10 percent of all Chapter 1 schools, were identified for improvement.

Many state officials said it would be futile to use higher standards and identify more schools given the fact that they have only a small amount of additional resources to offer schools undergoing program improvement.

"I have 77 schools that could potentially go into joint [improvement plans]," Linda Miller, Chapter 1 coordinator for the state of Indiana, said at a conference last fall. "I worry about how I'm going to get my staff to 77 schools."

And in some states, Congressionally mandated "committees of practitioners" have pressed for lower standards. States are required to submit their Chapter 1 regulations for review by these panels, whose members are primarily local educators.

But some states did set higher standards, and some districts required gains of as much as 3 "normal curve equivalents" to avoid being identified for program improvement.

That term describes measurements along a scale, designed for Chapter 1, that can be applied to results from a variety of standardized tests.

"No gain or decline" in a student's standing relative to other students is expressed as zero N.C.E.'s; the minimum federal standard is an average gain greater than zero. Average gains for Chapter 1 students hover around 3 N.C.E.'s per year, while particularly successful Chapter 1 programs boast average gains of 10 N.C.E.'s or more.

At least one state—Oregon—set a statewide benchmark of 3 N.C.E.'s, although only for its elementary schools. Secondary schools were required to post a gain of 1 N.C.E. the first year.

Cliff Eberhardt, an education specialist for the state education department who works on Chapter 1, said Oregon plans to raise the standards by 1 N.C.E. each year.

"The average kid comes into our program at the 25th percentile," he said. "If I want to get the kid out of the program and up to grade level—and my goal is to do that in two years—to raise them from the 25th to the 50th percentile, you have to raise them 12 percentiles a year. That translates to a lot more than 1 N.C.E."

Setting Higher Standards

Federal and state officials say preliminary surveys on the second year of program improvement indicate that more states are setting higher standards, and that such moves will contribute to the targeting of greater numbers of schools for improvement.

"I don't think there's any state where they're not talking about raising standards," said Diana Whitelaw, the Chapter 1 coordinator for the state of Connecticut and the president of the state coordinators' association.

The U.S. Education Department estimates that more than 6,000 schools have been newly identified this year, based on 1989-90 data, and approximately half the 5,000 schools targeted the first year did not post sufficient gains and will remain in program improvement for a second year, said William Lobosco, deputy director of compensatory-education services. That means almost 9,000 schools will be involved in the process.

While increased state and local standards have contributed to this trend, "more accurate reporting" is as least as important a factor, Mr. Lobosco said, noting that many districts applied standards loosely the first year, when they were unfamiliar with the process and some were unsure of the validity of their test data.

"The first time, it was, 'Let's get our feet in the water,' " he said. "This year, they just did a better job."

While surveys have charted state response, there are no national data on how many districts have established higher cutoff scores or additional standards—such as school grades, dropout and retention rates, attendance, or writing samples—on their own. However, every state coordinator interviewed said that at least some districts in the state had done so, and that many states require it.

Program-Improvement Plans

Educators in some of the 2,500 schools "held over" after a year of program improvement face intervention by state officials.

Schools that were identified based on 1988-89 data were required to put a pro-

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QUALITY

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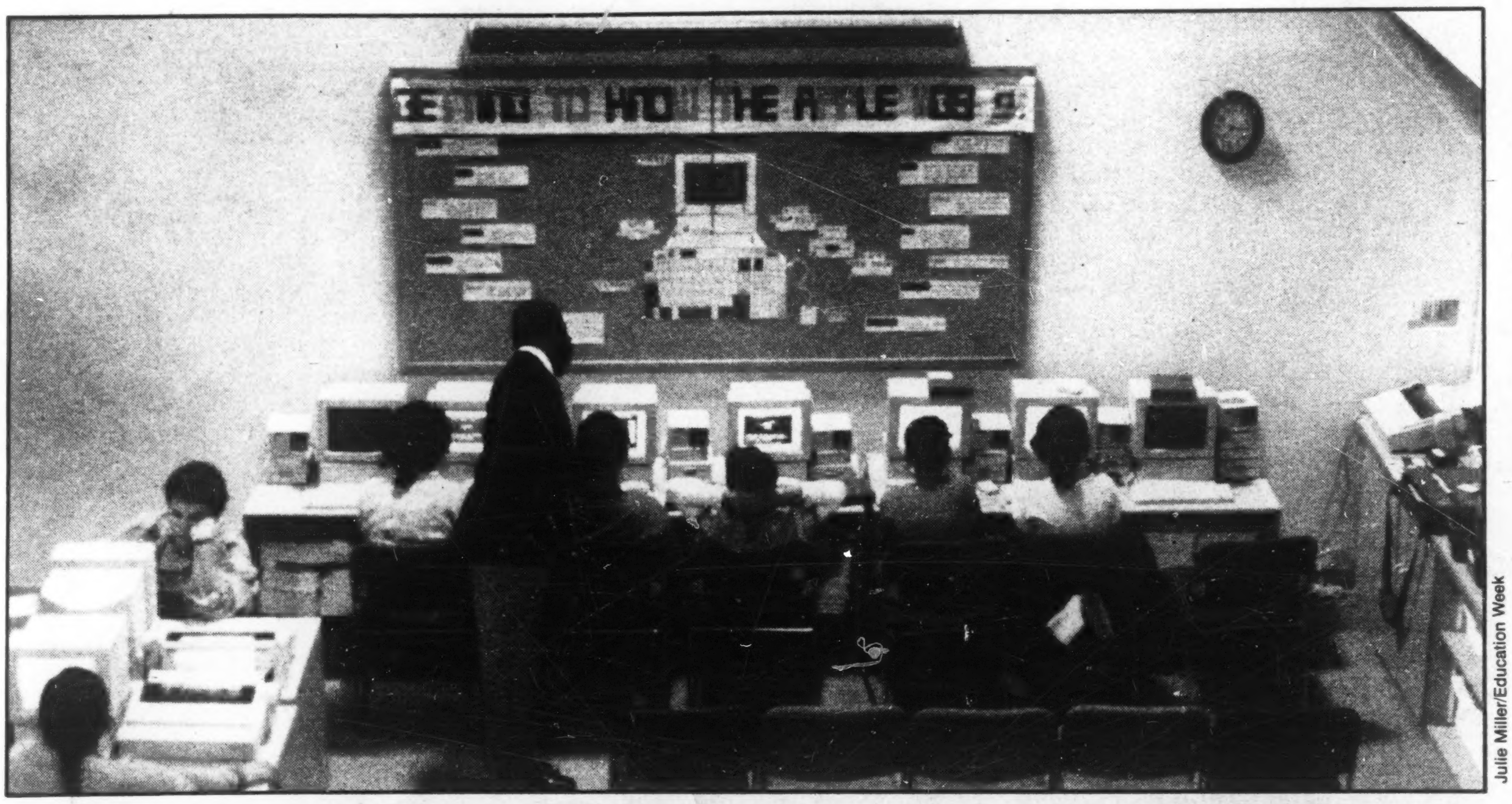


Julie Miller/Education Week

Visitors work at computer terminals at the parents' center run by the Buffalo, N.Y., schools. Places where parents can come to work with their children and learn to use educational materials are a growing trend, according to Chapter 1 experts.

gram-improvement plan in place no later than the current school year, and those that do not show sufficient improvement in this year's tests will be forced to collaborate with state officials on a new plan next year.

Some schools identified the first year moved more quickly, however, implementing plans in the 1989-90 school year, and those that did not post adequate gains are subject to state intervention this year.

In Kentucky, for example, 49 schools were targeted for program improvement the first year and 45 met the standard after implementing a local plan, according to Joanne Brooks, director of the state division of compensatory education. The other four are implementing joint plans this year.

"We're focusing on coordination with the regular program and better identification of student learning styles," Ms. Brooks said. "We looked at what the schools were planning to work on, and those were the areas that seemed neglected or not addressed sufficiently in their plans."

California has 212 schools implementing joint plans with the state this year, according to a report on the implementation of program improvement released by the C.C.S.S.O. and the state Chapter 1 coordinators this month.

And the process began to consume a substantial proportion of the efforts and resources of state officials even before formal state intervention was required, according to the report, a finding that is supported by earlier surveys and interviews. State Chapter 1 coordinators reported spending as much as 75 percent of their time monitoring compliance with the new rules and helping districts draft and implement improvement plans.

A Range of Responses

Teachers and administrators involved with program improvement report a wide range of responses. In some schools, very little changes; in others, programs have been totally revamped.

"Where I see it working is where districts and schools have done a complete inventory of the program and related services," said Michael Hughes, Chapter 1 coordinator for the state of Arizona. "My concern is that some districts and schools are just working around the edges."

One district that has made dramatic changes is Sunnyside Unified School District, an elementary-school district that serves part of Tuscon, Ariz., and adjacent communities. All 11 of the district's schools have Chapter 1 programs, and about 70 percent of its students come from poor families.

"We decided to completely change the focus of Chapter 1 in all our schools, because it wasn't working," said Marla Motove, who oversees Chapter 1 programs in grades K-3.

The district's Chapter 1 students had been "pulled out" of regular classes for extra instruction, but now receive help in their regular classrooms, before or after school, and in the summer. There are no longer any Chapter 1 teachers. Instead, each school has a "program facilitator," who helps develop the curriculum for remedial students, trains teachers to work with them, and sometimes works directly with students.

Each school also has a parent liaison, tutors, and teachers' aides who are supported with Chapter 1 funds. The district has also developed a "joint relationship" with the county's adult-education program, helping Chapter 1 parents learn English or earn high-school-equivalency certificates.

The most important result, Ms. Motove said, is that school staff members are working together to help Chapter 1 students.

"It was a philosophical change," she said. "Before, most of the staff thought they were not responsible for taking care of these kids and seeing that they progress."

Most districts are apparently moving more cautiously. Prince George's County, Md., for example, adopted a high 3-N.C.E. standard—resulting in the identification of 48 of its 59 schools for improvement—but its schools have not dramatically revamped their programs in response, said Evangeline Wise, an assistant Chapter 1 supervisor for the district.

Ms. Wise said many of the schools received additional funds for staff training or operating extended-day programs. Others are trying new curricular approaches, such as the "whole language" method of teaching reading or setting aside time for conferences between teachers.

Ms. Wise said that this year's test scores are not yet in, but that she is hopeful they will reflect the increased attention principals are paying to Chapter 1.

"I think it will work because some of the principals are really responding," she said. "This got their attention."

Skeptical About Process

But many teachers and administrators in schools serving the most disadvantaged populations are more skeptical that the program-improvement process will lead to significant gains in student achievement.

"Some of the kids make big gains; there are others who drop the average," said Dale Thomas, a Chapter 1 teacher at Herman Elementary School in Detroit. "There are some who have such an unstable environment, we can only do our best. I had a kid take the test the day after his mother overdosed."

Of districts using the minimum standard for targeting schools, Detroit probably has one of the highest percentages of schools in program improvement. Of 218 Chapter 1 schools, 94 were identified for improvement after showing stagnant or declining student achievement in the 1988-89 school year.

At some schools, student performance dropped an average of 10 N.C.E.'s or more. In 1989-90, some improved enough to "test out" of program improvement, but another 57 were newly identified.

In a series of interviews with teachers and administrators, including district officials and educators in six schools, remarkably consistent themes emerged.

None of the educators said they were turning their programs upside down in response to program improvement. The most commonly cited changes were increased efforts to involve parents and a greater emphasis on outside reading.

Schools that received more money as part of the program-improvement process—or because they have qualified as schoolwide projects under other new rules—are investing it in staff training, increasing the size of their staff, and equipment.

"It was a headache for schools," Mr. Hirsch said. "There are some schools doing the right thing, but there are many that aren't. Some just want to do a writing job and get it over with rather than confront the problem."

The district, he said, is providing assistance to targeted schools, but the response is up to them.

"All we can do is monitor it," he said.

'We're Doing the Best We Can'

Some educators view the process as just another annoying bureaucratic hurdle for them to jump. Some welcome it as a new way to angle for more money. Some appear to have taken the challenge to heart and redoubled their efforts at community outreach. But no one predicted that it would result in dramatic increases in test scores.

"Anyone who has seen where the kids come from will realize we're doing the best we can," said Betty Yee, principal of Lynch Elementary School in Detroit. "You would think World War III had started, and they didn't wake you up for it."

Her school is located in a neighborhood dominated by glass-strewn vacant lots and loose shingles, with its back to a large cemetery. Young adults loiter across the street. Ms. Yee pointed to a bullet hole in a school door and glass panels she said had been broken by gunfire more than once.

"We have kids whose parents abuse them," she said. "We have kids who essentially have no parents. We have to teach them survival skills, like how to wash their socks."

Despite these conditions, the school receives only $93,000 from Chapter 1—enough, according to Ms. Yee, to retain one full-time teacher, maintain some equipment, and bring in some special arts programs. In addition, the district uses Chapter 1 money to provide a half-time counselor and a social worker who visits once a week.

Of the school's 390 students, 126 are eligible for Chapter 1 and about 70 of them receive services.

"We try to serve the worst off, but I also look for those I think there is hope for," Ms. Yee said. "If one kid doesn't come to class, I try with another."

"You can reach these kids," she said. "When one of the successful ones comes back to say 'thank you,' that's where I get my strength. But we can only do so much for so many."

Even those who were more confident that their students would improve their scores complained about having the worth of their programs judged on the basis of tests.

Tests: 'The Big Bugaboo'

"The big bugaboo about the Chapter 1 population is that it's an unstable, mobile population," said Billie Joan Gibbs, principal of Hanstein Elementary School in Detroit.

"I have 20 percent turnover, and I really resent that," she said. "The kids who have been here five years are doing all right."

DelGreta Lamar, a Chapter 1 reading teacher at Hanstein, said the program-improvement process "has brought us together as a staff."

"I feel a sense of fulfillment because everybody's really trying to do what we have committed to do," she said.

"But test scores don't show that," Ms. Gibbs interjected.

"Students also make gains that don't show on tests," Ms. Lamar said. "It shows in their environmental experience and their communications skills."

Detroit educators were unanimously skeptical about state intervention.

"We like the accountability, but we don't like the structure," said Delbert Clinton, a program supervisor for one of the district's regional divisions. "We don't like the idea of somebody far removed coming in here. What are they going to do that we haven't?"

Linda Brown, Chapter 1 coordinator for the state of Michigan, said the attitude of Detroit educators did not surprise her.

"They've had a long history of school-improvement efforts," she said. "During their orientation, we picked up from the Detroit staff that they have been involved with program improvement for years and years, and there was a certain sense of discouragement."

Falling Short

But resentment of the program-improvement process is not limited to Detroit, and some of the same concerns are echoed even by educators who insist that the most disadvantaged children can succeed.

Many educators contend that the separate instruction encouraged by Chapter 1 and its heavy emphasis on testing—exacerbated by program improvement—clashes with ideal educational practices.

Others simply argue that tests are not a fair way to judge a program's success. They note that one particularly troubled child can send a small program into the program-improvement process, and that, in many cases, the children producing the two sets of scores being compared are not the same children.

Ms. Wise of Prince George's County, who applauds her district's decision to set a relatively high test-score standard, said she is, nonetheless, "annoyed at the weight being given those scores, noting that N.C.E.'s are a comparative standard and that it is difficult to justify requiring a particular amount of yearly progress.

"It's really frustrating when numbers are thrown at you, and nobody knows what it really means," she said. "What does it mean to gain 7 N.C.E.'s? What does that say about what the child learns, how well he does in the regular program?"

Ms. Whitelaw of Connecticut said some states are examining some of these concerns by studying alternative evaluation methods.

In the meantime, Ms. LeTendre of the U.S. Education Department urged districts and schools to set additional "desired outcomes," adding that, if significant gains on other measures can be proven, a school with low test scores might justifiably be exempted from program improvement.

But many local educators see the other side of the coin, and note that they could also be identified for program improvement for failure to meet additional standards. Several state coordinators said schools in their states were targeted solely because they failed to meet additional goals they or their districts set for themselves.

"You can imagine how furious a building principal is when children are showing good [test score] gains, and they are targeted because of desired outcomes," Ms. Miller of Indiana said. "They didn't know what they were getting themselves into."

Ms. LeTendre responded: "I have to believe we can rise above the concern one would have for one's own reputation and make sure we are as concerned about what happens to the children as we are about that. I know there's a human dimension here, but we have to get past that and look at what's good for the kids."

A Lack of Trust

Others said they are more concerned with avoiding state intervention in their programs. While some local educators said they have good working relationships with state officials and expected to get effective aid from them, most were more skeptical—including many who praise the program-improvement concept.

"I believe in high expectations; I believe in accountability," said Carley Ochoa, the Chapter 1 coordinator for the Riverside, Calif., schools. "The problem is, we don't yet trust what's going to happen."

"If we have a school that's in trouble, we're going to deal with that, no matter what the law says," said Ms. Ochoa, who has no schools that did not meet minimum standards. "If I name it a program-improvement school, it gets labeled. You get nothing to speak of in the name of resources. You get state people coming in."

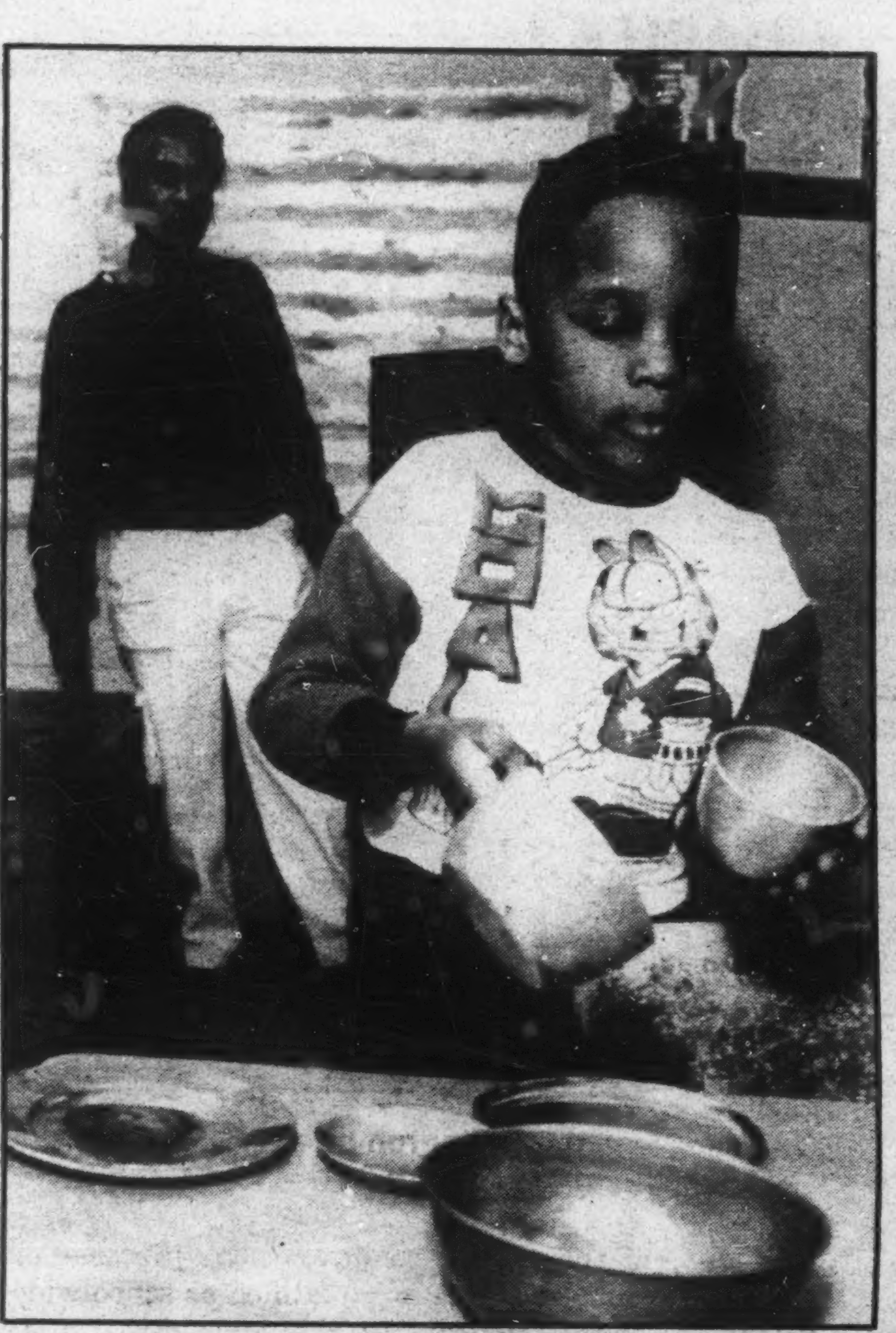
"When I don't think they have any more ability to deal with the problem, and maybe less, why should I do it?" she asked.

Similar arguments were made when the program-improvement law was being drafted, and groups representing state and local officials fought hard over the provisions.

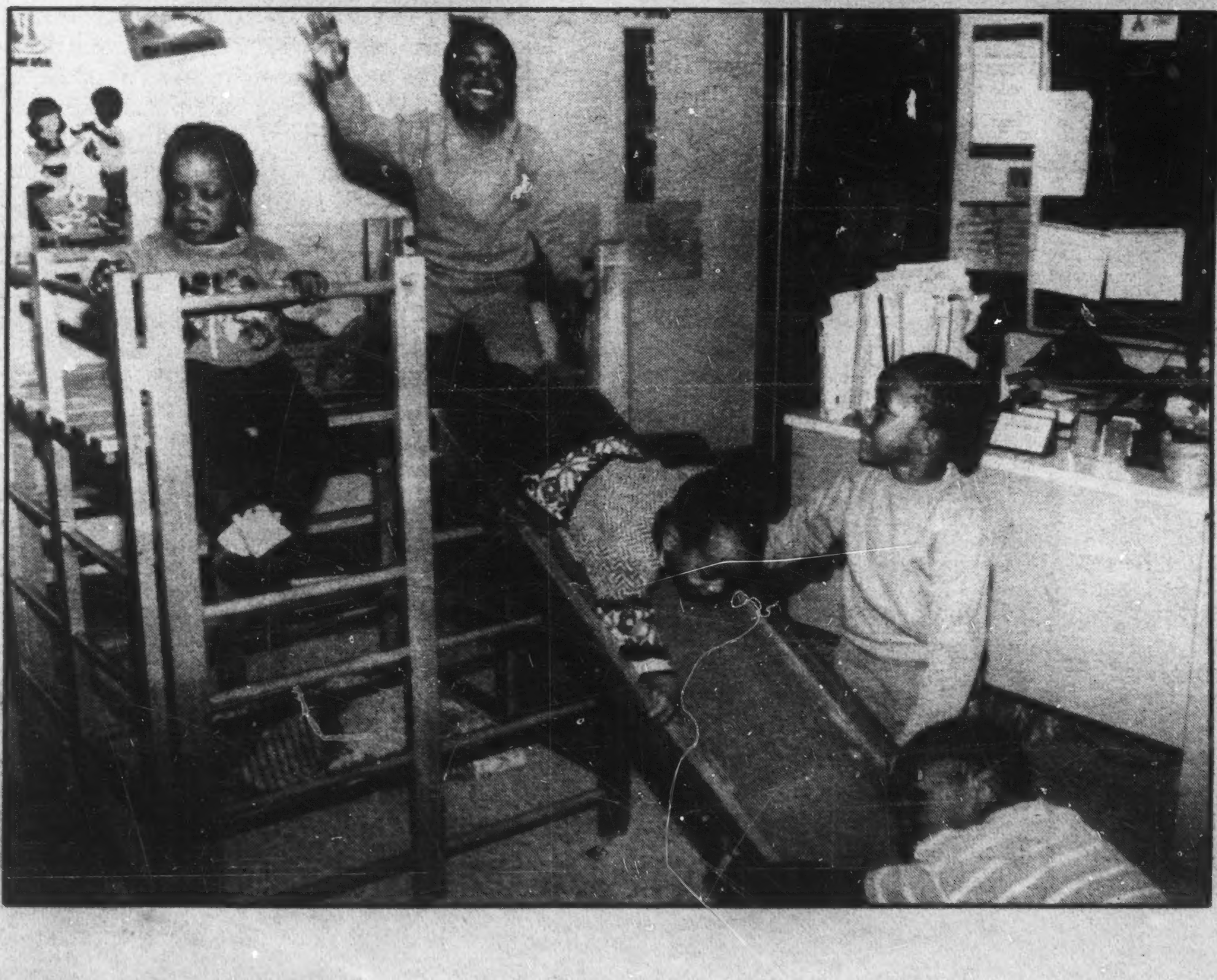
In the end, lawmakers who favored the concept won out by arguing that something had to be done with programs that do not work and that someone had to be given the authority to ensure changes are made. State officials, they said, were the only realistic option.

Lucy Watkins of the Center for Law and Education argues that, since education is a state and local responsibility, a process that gives them joint responsibility to improve schools is appropriate.

"In many cases, you won't find the knowledge of research at the local level that you have at the state level, or the time and resources," she said, while acknowledging, "There was nobody else to give it to." ■



All photos by Rebecca Cook



Top left, Ron Cunningham, a teacher's aide, watches as a preschooler cleans up his toys at the end of the school day at Lynch Elementary School in Detroit. Also at Lynch, students participate in a class discussion, top right, and play during a preschool class, left. Above, Betty Yee, the principal of Lynch, greets students as they enter the school, located in a neighborhood dominated by vacant lots. "Anyone who has seen where the kids come from will realize we're doing the best we can," she says. "When one of the successful ones comes back to say 'thank you,' that's where I get my strength. But we can only do so much for so many."

CHAPTER 1:

Early Education

New Approaches to Funding, Testing, and Teaching Advocated

By Deborah L. Cohen

As interest in early-childhood education waxes and funding for new programs wanes, Chapter 1 holds new promise for giving disadvantaged young children an academic edge that can head off costly remediation later, many experts agree.

Although Chapter 1 is most associated with the early elementary-school grades, the program has allowed for the funding of preschool programs since its inception in 1965.

In the 1988-89 school year, the most recent for which data are available, only about 6.5 percent of the 5 million children receiving Chapter 1 services were kindergarten age; 1.5 percent were in pre-kindergarten programs.

Nonetheless, the program has played a significant role in supporting early-childhood education, and many believe that it has the potential to play a much larger one.

"A lot of preschools would not be in existence, or kindergartens would not have been extended full day, if not for Chapter 1 funds," said Nancy Karweit, a researcher at the Johns Hopkins University Center for Research on Effective Schooling for Disadvantaged Students.

"Simply enlarging the number of children that can be served in preschool would be a wonderful service—and one that is badly needed—because there are a lot of children who need to be better prepared to take on the curriculum of kindergarten and 1st grade," said Barbara Bowman, director of graduate studies at the Erikson Institute in Chicago.

In addition to prodding districts to funnel more Chapter 1 aid into early schooling, however, she and other early-childhood experts contend, the teaching, testing, and grouping styles traditionally used in the kindergarten to 3rd-grade period must be rethought in order to tap the program's full potential.

While acknowledging some of these practices stem from misperceptions of what Chapter 1 requires, these experts argue that an overreliance on standardized tests and programs that pull low achievers out of regular classes for remedial instruction clash with more "developmentally appropriate" practices.

Such approaches include more hands-on, play-oriented learning and exploration; a focus on whole concepts and themes, rather than isolated skills; assessments based on observation; and settings that allow children of varying abilities—and even ages—to interact and work at their own pace.

The National Association of Early-Childhood Specialists in State Departments of Education is in the process of compiling comments from members who have raised concerns about how Chapter 1 relates to early-childhood-education reforms, and the group plans to circulate a paper on the issue among national experts and groups later this spring.

Chapter 1 officials contend, meanwhile, that the program is flexible enough to support a wide range of innovative teaching and testing approaches in the early grades, and they point out that they are taking steps to promote such strategies.

"We're encouraged about a lot of good things that are going on, but we also know that we have to clarify where there are misunderstandings and promote the good practices," said Mary Jean LeTendre, director of compensatory-education programs for the U.S. Education Department.

Potential for Growth

The 1965 law establishing Chapter 1 identified preschool programs as one option for meeting the special educational needs of educationally deprived children.

Many districts in states that did not have a mandate to serve kindergarten-age children tapped Chapter 1 to fund their first kindergarten programs, Ms. LeTendre noted. Others have used Chapter 1 dollars to extend state-sponsored half-day kindergartens to full-day programs.

In an apparent effort to encourage districts to use the funds for pre-kindergarten programs as well, the Congress clarified in its 1988 reauthorization of Chapter 1 that money could be spent on children "not yet at a grade level where the [school district] provides a free public education, yet are of an age at which they can benefit from an organized instructional program."

Much as it has supported kindergarten, Chapter 1 allows districts to start pre-K programs or to supplement them with new services, such as extended-day programs.

While the percentage of Chapter 1 participants in pre-kindergarten programs is still small, the Education Department reported a 12 percent jump in their numbers between 1987-88 and 1988-89.

And state interest in Chapter 1 preschool programs appears to be growing. The Pennsylvania Department of Education recently held the first statewide Chapter 1 meeting focusing on early-childhood programming, and the New York Department of Education is considering holding a similar meeting. The National Association of State Chapter 1 Coordinators formed an early-childhood committee in February to explore such issues as appropriate testing and curricular practices and coordination with other federal programs geared toward young children, including Head Start and Even Start.

Early-childhood experts, meanwhile, are hoping some provision will be made to place increased emphasis on early intervention when Chapter 1 is reauthorized in 1993.

Of the $150-million increase President Bush requested for Chapter 1 in the fiscal year that begins Oct. 1, $60 million would go toward a 21 percent hike in Even Start, a program that combines adult-literacy and parenting programs with preschool for young children.

While districts must now apply to the federal government for Even Start grants, the increase would trigger a provision in the law that guarantees each state a set allocation based on the Chapter 1 formula.

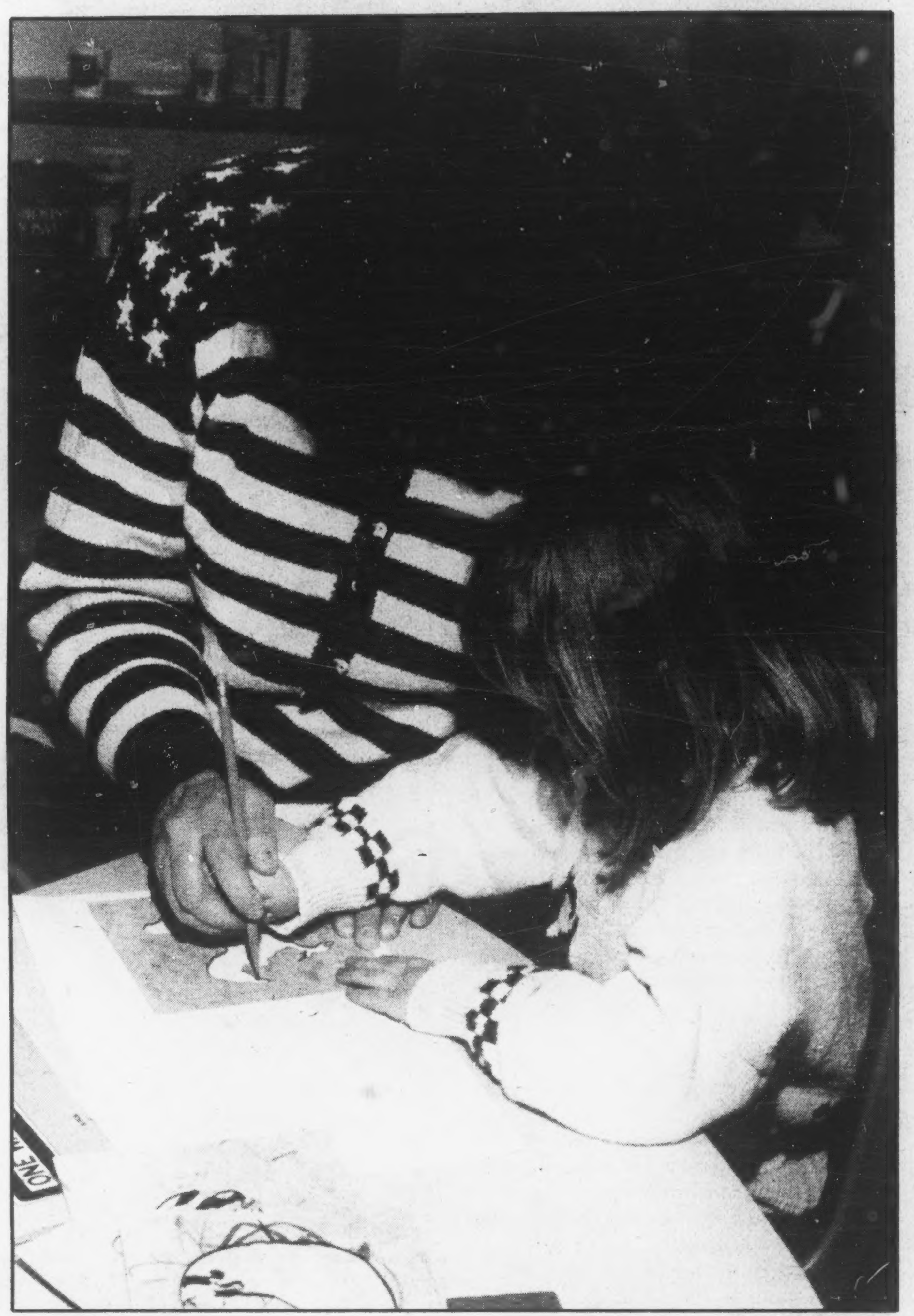
Prevention Focus Urged

Current restrictions in Chapter 1 bar the federal government and states from mandating that school districts direct their Chapter 1 aid to specific grade levels.

But some experts, such as Sharon L. Kagan, associate director of the Yale University Bush Center in Child Development and Social Policy, advocate a "realignment" of priorities, "so new monies that come in could be used to support effective early intervention."

Emphasizing "prevention versus remediation," she said, "may necessitate a commitment of new dollars or a rethinking of how we are using existing dollars, but clearly that should be the focus."

The Education Department, meanwhile, is undertaking several initiatives to alert program administrators to the benefits of directing more Chapter 1 aid to early education.



"We want to encourage more districts to consider Chapter 1 programs for children below grade 2," Ms. LeTendre said.

The selection and assessment of preschool Chapter 1 children is a key focus of three regional meetings the Education Department has planned for Chapter 1 program specialists. The first was held in April in St. Louis; the second, last week in San Francisco; and the third, next month in Washington.

The meetings are also addressing such issues as how to ensure a smoother transition between preschool and elementary-school programs and how to promote greater coordination of Head Start and Chapter 1. That subject is also being studied by a joint task force of the Education Department and the Health and Human Services Department.

The Education Department is also planning to prepare a brochure identifying early-childhood approaches allowed under Chapter 1 and offering clarification on how funds can be used to launch and support them.

For example, Ms. LeTendre noted, some administrators are not aware that Chapter 1 preschool programs can be operated in settings other than schools, or that program funds can be used for building modifications and transportation.

Driving Assessments

In recent years, the increased demand for child care among working parents and research from such highly acclaimed programs as Head Start and the Perry Preschool Project in Ypsilanti, Mich., have inspired many districts and states to launch preschool programs.

The national goal set by President Bush and the nation's governors to ensure that all children start school ready to learn—as well as the business community's interest in upgrading the quality of the workforce—has also heightened the visibility of early-childhood issues.

On a separate track, the school-reform movement, with its focus on raising academic standards, has encouraged more formal schooling and the testing of younger children.

But concerns that rigid academic drills and tests are out of sync with how these children learn has begun to spark reforms in teaching children in the developmentally volatile period from kindergarten through 3rd grade.

In recent years, for example, early-childhood experts have made strides in convincing state policymakers that standardized tests are unreliable gauges of young children's learning.

"The younger the child you test, the more errors you make," said Lilian Katz, director of the ERIC Clearinghouse on Elementary and Early Childhood Education at the University of Illinois. "The problem is, we don't have reliable measures for this age."

All photos by the Jenks Studio of Photography

Far left, Lina Smith and her daughter, Kendra, work together during a meeting of the family-activity group at the Danville (Vt.) School. Children in the class, left, which is funded with Chapter 1 money, concentrate on a coloring assignment. Above left, Elaine Stone, the class's teacher, with three of her students, from left, Andrea Boyce, Meredith Classen, and Sara Davidson. Above right, Sara uses cookie cutters to help her clay take shape. Chapter 1 has played a significant role in supporting early-childhood education, and many believe that it has the potential to play a much larger one in giving disadvantaged young children an academic edge that can head off costly remediation later. But early-childhood experts argue that more money is needed to serve more children and that the teaching, testing, and grouping styles traditionally used in the program must be rethought in order to tap its full potential.

Against this backdrop, some early-childhood experts are concerned that practices linked with—even if not explicitly required by—Chapter 1 are posing unintended barriers.

Chapter 1 requires that standardized norm-referenced tests be used beginning in 2nd grade to measure children's growth from the previous year. Children below grade 2 are not subject to that requirement, but must undergo some form of systematic assessment.

In practice, experts note, standardized testing under Chapter 1 typically begins in 1st grade.

But of greater concern, said Harriet A. Egertson, administrator of the Nebraska Department of Education's office of child development, is that "dependence on standardized-test scores discourages districts from studying other, more informative kinds of approaches."

"Because schools don't want to do more testing than they have to," she observed, "the requirements of Chapter 1 end up driving the district's assessment program."

Dichotomy for Teachers

Chapter 1 rules have posed a special problem for states that have begun phasing out standardized tests for children in the early grades.

In North Carolina, for example, where the legislature in 1988 voted to scrap statewide standardized testing until 3rd grade, Chapter 1 guidelines "have created an enormous problem," said Laura Mast, an early-childhood consultant for the state education department.

Although the state has developed a new observation-based assessment process and districts are eager to implement it, Ms. Mast said, "we still have school systems giving standardized tests only to meet the Chapter 1 guidelines."

Delaware, which also dropped standardized testing for 1st and 2nd graders this year, faces a similar dilemma, said Darlene Bolig, early-education supervisor for the state education department.

"A lot of districts want to continue using [the tests] for Chapter 1 because it's clean and neat, and they know no other way," she said. The state has agreed to pay for districts to continue standardized testing for Chapter 1, at least this year.

M. Manuela Fonseca, an early-education consultant for the Vermont Department of Education, also contends that standardized testing conflicts with Vermont's pioneering effort to assess students through the use of portfolios and other observational methods, as well as its shift to "whole language" reading over phonics.

"There is a real inconsistency between what we're saying is good practice" and how it is measured under Chapter 1, she noted.

The mandate for norm-referenced standardized tests starting in 2nd grade "flies in the face of everything we are trying to do," added Maurice Sykes, director of early-childhood programs for the District of Columbia schools. The requirement, he said, is at odds with the "child centered" approach being accented under a five-year plan launched by the school district to reshape programs for 3- to 8-year-olds.

Such experts also worry that the tests encourage teachers to focus on "isolated skills," which Ms. Bowman of the Erikson Institute referred to as "disembedding skills from context."

Observed Ms. Bolig: "The way we are asking for the data drives the way the material is taught, and that is very inappropriate for the way we know we should be teaching young children."

"As long as we are trying to deliver developmentally appropriate instruction, but still assessing it in a way that is inappropriate, we are still going to have that same dichotomy for teachers," said Sharon Meinhardt, coordinator of early-childhood education for the Georgia Department of Education.

Georgia gained national notoriety when it became the first state to mandate statewide standardized testing for kindergarten students, but later drew praise from early-childhood experts when it revised its assessment procedure.

Dangers of Labeling

Some experts also contend that standardized tests are being used inappropriately to identify young children for Chapter 1 services.

The law requires only that "educationally related objective criteria" be uniformly applied across schools, Ms. LeTendre of the U.S. Education Department noted, adding that the department encourages the use of multiple criteria, such as input from parents and teachers and developmental checklists, particularly for children under grade 2.

In its policy manual on Chapter 1 and at its technical-assistance centers, the department offers states and districts guidance on "appropriate ways to assess children for the purposes of selection," she said.

But Ms. LeTendre and others acknowledge that most districts use norm-referenced standardized tests in selecting Chapter 1 children.

"What districts tend to do is to use one testing procedure to meet several purposes," observed Tynette W. Hills, coordinator of early-childhood education for the New Jersey Department of Education. "In many cases, the test becomes in district practice the pri-

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EARLY YEARS

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The Jenks Studio of Photography

Pat Coutu and her son, Joseph, work on a puzzle in a Chapter 1-funded preschool class at the Danville (Vt.) School. In the 1988-89 school year, only 1.5 percent of the children receiving Chapter 1 services were in pre-kindergarten programs.

mary means of selecting children to have in the program the following year."

"Even though a lot of districts say they use [tests] as only one of the screening tools," Ms. Bolig of Delaware added, in many cases, "you could look at scores at the end of the year, and anyone who fell below this point is a candidate for Chapter 1."

Relying too heavily on such scores may have "long-term consequences," Ms. Katz of the ERIC Clearinghouse said, because "once a child is labeled, the chances of breaking out of that category are very small."

Such labeling, she and others maintain, can also result from the "pullout" mode of instruction, in which children receive Chapter 1 services in special classrooms.

Early-childhood experts in recent years have increasingly promoted "integrated" classroom settings that can accommodate children of varying ability levels and foster teamwork.

Because federal rules barring the use of Chapter 1 funds to supplant existing services require that teachers paid with Chapter 1 funds work with Chapter 1 students, however, "it is very difficult in Chapter 1 classes to place children in heterogeneously mixed classes," Ms. Mast of North Carolina said. "We're making a big stab at establishing that kind of grouping in the state, and it is definitely creating a barrier."

"Many Chapter 1 children find themselves in homogeneous settings" that do not give them access to other role models, noted George Coleman, bureau chief of curriculum and instruction for the Connecticut Department of Education.

"You can't teach little kids enough in concentrated doses to make pullout therapy useful, except in rare cases," Ms. Bowman of the Erikson Institute argued.

Mixing and Measuring

Early-childhood experts say the pullout model is used much less frequently in Chapter 1 preschool programs, which tend to operate as regular, integrated classrooms, especially when the whole school is considered Chapter 1-eligible.

"There is much more flexibility with preschool than with school-age children," Ms. Mast noted.

While that flexibility offers "a much more appropriate way of dealing with remediation," Ms. Bolig said, there are still some logistical problems, because Chapter 1 aides are limited to working with Chapter 1 children.

And because many are accustomed to working independently with small groups, a major shift from pullout to in-class services "would require a good deal of investment in staff development for Chapter 1 teachers so that they'd feel more comfortable in a collegial setting," said Ms. Egertson of the Nebraska Department of Education.

Ms. Egertson also said Chapter 1 aid is difficult to integrate with funds for other preschool programs that allow for a wider mix of children.

For example, she said, "What we are trying to do with our state money [for pilot pre-K programs] is to make it an amoeba that can flow in and around other funding sources, so we can include children from families who are more affluent with low-income families."

Despite calls from national experts and organizations for more coordination among early-childhood services, some districts have run into trouble tapping Chapter 1 funds for "early-childhood units that would serve kids funded out of a number of differing funding streams," Ms. Bowman said.

"Because so much money is involved in Chapter 1," Ms. Meinhardt of Georgia added, states "feel obligated to get Chapter 1 programs set and then work other state programs around it."

Some educators also worry that investments in early-childhood education may be inadvertently discouraged by a new process established in 1988 to gauge student progress and to trigger state intervention if districts fall short.

Because the "program improvement" guidelines measure student gains beginning in the 2nd grade, "you are rewarded for waiting for the kids to fail first," said Robert E. Slavin, a researcher at Johns Hopkins University and the director of the elementary-school program at the Center for Research on Effective Schooling for Disadvantaged Students.

"You may totally miss effective elementary programs by only starting to look" beyond the 1st grade, added his colleague, Ms. Karweit.

Because the test scores of students who have been in the same grade for two years are averaged in with the rest of the class—and because they are likely to do better the second time—Mr. Slavin and Ms. Karweit have also argued that the accountability system may unwittingly reward retention.

Shift in Thinking

Ms. LeTendre is quick to point out that Chapter 1 programs include many "exciting" approaches to early-childhood education; she recounts observing a wide array of activities to nurture children's language, social, intellectual, and physical development using creative play, storytelling, acting, sand, puppets, and other media.

Concerns that Chapter 1 might conflict with early-education reforms, she said, reflect a shift in thinking "in the way educators as a whole have looked at teaching disadvantaged kids."

"We can be just as concerned about [an overemphasis on] drill and practice of isolated skills in other grades," Ms. LeTendre noted.

While pullouts still make up "the vast majority" of Chapter 1 programs, she said, "we certainly see a trend and an interest in moving away from that."

The Education Department is seeking input from some states on alternative approaches, she added, noting that there are "ways to get around the pullout issue" by offering Chapter 1 instruction via extended-day programs, home tutoring, or take-home computers.

Ms. LeTendre said she is "dismayed" by concerns that the use of tests to gauge program improvement discourages strong early-childhood programs or spurs retention.

Conscientious administrators and teachers, she argued, are unlikely to promote undesirable practices simply for the sake of inflating student-achievement gains.

She also cited numerous efforts by the department to underscore the limitations of standardized tests and isolated-skill drills.

One purpose of the regional meetings launched by the department is to clear up confusion about such practices, said Ms. LeTendre, who noted that early-childhood experts on the agenda at those meetings are offering guidelines on appropriate curriculum and testing practices for young children.

The department is also planning to prepare a position paper on school-readiness issues, she said, adding that it will discuss appropriate approaches to assessment and curriculum and highlight ways of "looking at the whole child comprehensively" by linking services and agencies.

The agency is also forming an advisory panel to study the use of standardized tests to measure student gains in Chapter 1, though it will focus chiefly on school-age children.

'Limited by History'

Other early-childhood educators and Chapter 1 coordinators support the view that the program is flexible enough to foster a wide range of practices, and should not limit effective early-childhood programs.

What discourages nonstandard approaches is not so much Chapter 1 regulation, but a "repertoire limited by history," Ms. Kagan of the Yale Bush Center said.

"We have not been inventive or courageous enough to make changes," she said, adding that the first step is to ferret out "what is required and what is tacitly implied" or "some sort of mythical legacy that's been passed on."

"There needs to be some real encouragement by the U.S. Education Department and by state departments of education," she added, to promote innovative early-childhood units, nongraded approaches, and "inventive ways to use staff."

California, for example, launched a major effort several years ago to revamp early schooling. Since then, early-childhood personnel have worked closely with Chapter 1 staff members to ensure that all programs "are integrated and consistent with developmentally appropriate instructional practice," said Robert A. Cervantes, assistant superintendent for child development for the state education department.

That kind of communication can help educators to seek alternatives to current practice within the framework of current regulation, rather than to "immediately try to change the law," Mr. Cervantes asserted

"What should drive all of this is meeting the needs of the child," he said. "If we are child-centered, rather than program-centered, then our objectives will be better met."

A campaign to raise awareness among those responsible for early-childhood and primary instruction in Connecticut has also helped steer districts there toward more appropriate early-childhood practices and testing approaches, Mr. Coleman of the state education department said.

As part of an early-childhood policy that encompasses Chapter 1, he added, the state has "provided guidance to districts that has testified to our satisfaction the downside of testing young children."

Jim M. Sheffer, chief of the federal-programs division in the Pennsylvania Department of Education, said a task force of early-childhood experts involved with federal, state, and community programs has helped guide the state in developing alternative indicators for preschool, kindergarten, and 1st-grade children.

"The federal regulations appear to me to be open or liberal enough regarding preschool, K, 1, and 2 programs to support alternative forms of assessment," said Douglas E. Kammerer, director of compensatory-education programs for the Marion, Ohio, city schools. He added that Chapter 1 has helped support such innovative approaches as the "Reading Recovery" program adopted by the district, which "would not have been as widespread in Ohio" without Chapter 1.

Merwin L. Smith, Chapter 1 administrator for the Nebraska Department of Education, said that since the law was reauthorized in 1988, the U.S. Education Department has fostered greater coordination between Chapter 1 and regular education and encouraged alternative forms of assessment for selecting and evaluating children below grade 2.

Robert M. McNamara, chief of compensatory education and of curriculum and instruction for the Vermont Department of Education, added that even beyond that level, the norm-referenced-test requirement need not drive the curriculum.

As long as flexible teaching approaches are encouraged and the tests are played down, he said, "You can still have a developmental philosophy and do this."

Mr. McNamara also cited examples of districts seeking alternatives to pullout programs by offering extended-day programs for Chapter 1 children or, in small schools, funding one teacher certified to teach Chapter 1, special education, and regular education.

"If you take a very narrow view of Chapter 1," he conceded, "you wouldn't be able to get the benefits of mixed grouping."

Interim Steps Urged

Where developmentally inappropriate practices exist, Mr. McNamara and others argue, it is often a function of misinterpretation or longstanding practice for children in the older grades.

"In most cases," he said, "it tends to be a misinterpretation of what the law says, rather than the law getting in the way."

"I don't think there's anything in our law or regulation which promotes not having good practices," Ms. LeTendre said. "It may be force of habit and the way things have been done for years."

But educators on all sides of the debate acknowledge a need to offer districts clear guidance on alternative approaches.

"Somewhere along the way people are not getting the message, or they're not hearing it," Ms. Meinhardt of Georgia said.

Ms. Egertson of Nebraska pointed out that the reauthorization of Chapter 1 in 1993 "holds a lot of promise" for addressing early-childhood educators' concerns.

"But in the meantime," she said, "the local school districts really need some assistance to bridge this."

Cynthia G. Brown, director of the resource center on educational equity for the Council of Chief State School Officers, said the C.C.S.S.O. has formed a commission to study Chapter 1, including the issues of assessment and pullouts.

She said she is optimistic that the federal government can play a key role in reforms.

"As we try to move to more developmentally appropriate programs and really seriously question the role of standardized tests with young children," she said, "I would hope the department would take some leadership."

Ms. Brown warned, however, that policymakers must act swiftly to capitalize on the prominence of early-childhood issues and on Chapter 1's potential to serve as a "vehicle for driving higher-quality education."

"We can't spend the next five years redesigning the system," she said. "We have to come up with some interim measures." ■

CHAPTER 1:

Private Schools

Felton Continues To Pose Logistical Challenges; Opponents of Services Wage New Legal Battles

By Mark Walsh

Each weekday morning, a mobile-classroom van contracted by the New York City Board of Education pulls up to the curb at Holy Spirit School in the Bronx.

At some point throughout the day, about 150 students out of the Roman Catholic elementary school's total enrollment of 293 troop into the van for their daily remedial instruction in mathematics, reading, or English as a second language.

The van costs the city school system approximately $106,000 a year to lease. On some days, because of ongoing street repair in the neighborhood, the classes are not held because it is too dangerous for the students to get to the mobile instructional units, or M.I.U.'s, as the bureaucrats call them.

"That's an added headache," said Peter Shyshka, the longtime principal of Holy Spirit School. "On some days, Chapter 1 services have to be canceled. That is a real loss of services that the children need and should have been receiving."

The logistical problem is prompted by the fact that the remedial instruction cannot take place inside the religious school because, under a landmark 1985 Supreme Court ruling, such a close entanglement between the government and the church was found to be in violation of the Constitution's ban against government establishment of religion.

The mobile vans are only one of several methods developed by the New York City public schools to fulfill a mandate of the federal Chapter 1 program that local districts provide remedial services to private-school students, even those in religious schools, on an equitable basis with students in the public schools.

Like New York, districts throughout the nation are using mobile or portable classrooms, transporting private-school students to public schools or neutral sites, and providing computers to meet the requirement.

The mandate has been a part of the Chapter 1 law since its adoption more than 25 years ago.

But simmering church-state tensions in the years that followed came to a boil in 1985 in *Aguilar* v. *Felton*, a First Amendment case in which the Supreme Court ruled that public-school districts could not send their teachers into religiously affiliated schools to provide Chapter 1 services.

In handing down its 5-to-4 ruling, which grew out of a challenge to New York City's program, the Court threw the delivery of Chapter 1 services for most private-school children into disarray.

Now, nearly six years after that decision, public- and private-school educators continue to grapple with the logistical challenge of providing remedial services to students in religious schools.

John Booz Photography

Helen Spranger escorts students in her Chapter 1 class from Resurrection Catholic School in Chicago to her mobile classroom on the edge of the school grounds.

Participation Is Down

Significantly fewer private-school children are currently receiving Chapter 1 services nationwide than during the 1984-85 school year. That year, 185,000 pupils in private schools participated in Chapter 1. In the year after the *Felton* decision, participation plummeted to 123,000, according to a 1989 report by the General Accounting Office.

In some districts, however, there has been a significant recovery; in others, pre-*Felton* levels have even been surpassed. By the 1988-89 school year, according to the most recent figures available, participation had recovered to an estimated 151,000 students nationwide, according to the G.A.O.

"Clearly, thousands of students are not being served yet," said Mary Jean LeTendre, director of compensatory-education programs for the U.S. Education Department. "But I'm not sure if we will ever see the numbers get back to where they were [before *Felton*]."

But no one appears to be completely satisfied with the alternatives.

"The *Felton* decision put both sides in a very untenable position," said Michael Casserly, legislative director of the Council of the Great City Schools, an association of some of the nation's largest urban school districts. "I don't think anyone is satisfied with it. People have just created different ways of living with it."

In the meantime, however, thorny legal battles have erupted across the country in recent years as advocates of strict separation of church and state have challenged many post-*Felton* methods of providing services.

Also at issue is a key policy by the Education Department stating that certain capital expenses involved in the delivery of services to private-school children must come out of a state or district's total Chapter 1 program budget, rather than just out of the portion for private-school students.

"I think there is no question that the issues we are currently addressing will wind up back in the Supreme Court," said Lee Boothby, general counsel for Americans United for Separation of Church and State, a Maryland-based advocacy group that has challenged Chapter 1 services to religious schools in several ongoing lawsuits.

Source of Friction

The question of government aid that directly or indirectly benefits private religious schools has been a traditional source of church-state friction in American society. Concerns about aid to sectarian schools were a major sticking point throughout attempts to pass the first major federal school-aid bills during President John F. Kennedy's Administration.

President Lyndon B. Johnson successfully got around the issue of aid to private schools by focusing his programs on remedial education for disadvantaged students, regardless of whether they were in public or private schools.

The 1965 bill containing Title I, which in 1981 was renamed Chapter 1, prompted many questions from religious denominations, public-education associations, and such advocacy groups as the American Civil Liberties Union that worried that the proposed indirect aid to private religious schools would undermine the nation's long history of church-state separation.

In the end, though, despite prolonged debate in the Congress over the church-state issues, the measure containing Title I, including eligibility for private-school pupils, passed.

In the Wake of Felton

By 1985, the Chapter 1 program was serving more than 185,000 nonpublic-school students, with public-school employees delivering an estimated 85 percent of the services at private-school sites.

But that year, in a case originally brought against the New York City Board of Education by the Committee for Public Education and Religious Liberty, or PEARL, the Supreme Court ruled that the board's Chapter 1 program in private schools unconstitutionally required "a permanent and pervasive state presence in the sectarian schools receiving aid."

The *Felton* ruling, which came during the summer of that year, left school officials scrambling to figure out how to implement their Chapter 1 programs for the approaching school year. (New York City sought, and received, a one-year postponement of the implementation of the decision.)

Then-Secretary of Education William J. Bennett was highly critical of the High Court's decision, saying it was "terrible" and "clearly reflected a hostility toward religion." But he ordered school districts to

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FELTON

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abide by it, and, in August 1985, the Education Department issued a set of questions and answers that sought to provide some guidance to school administrators on what was permissible.

One key decision made by the department at that time concerned funding for alternative methods of providing services to private-school children. The department said the costs of such alternatives would be deducted "off the top" of a district's entire Chapter 1 allocation so that services could be provided "on an equitable basis" to children in public and private schools.

That guidance, later codified in Chapter 1 regulations, has been challenged in at least four post-*Felton* lawsuits. The regulation has radically altered the funding balance for the Chapter 1 program, many public educators say, resulting in private-school students in some areas receiving as much as seven times more funding per pupil than public-school students.

Critics of Mr. Bennett also have charged that the funding rule was designed primarily to "circumvent" the Supreme Court's ruling in the *Felton* case.

Federal judges in two separate districts have overturned the department's "off the top" regulation within the past 16 months, saying it was a form of "direct aid" to private religious schools.

"The off-the-top method directly benefits private-school students at the expense of public-school students," U.S. District Judge Charles M. Allen of Kentucky ruled in February 1990 in *Barnes* v. *Cavazos*. U.S. District Judge Joseph E. Stevens Jr. of Missouri made a similar ruling in late 1989 in *Pulido* v. *Cavazos*.

The federal government has appealed both cases to their respective U.S. Courts of Appeals, which heard arguments last fall.

However, in a ruling last month, yet another U.S. District Court asked to consider the legality of the off-the-top funding rule upheld it as constitutional.

U.S. District Judge William H. Orrick of San Francisco said the taxpayers who filed the lawsuit "erroneously" focused on the cost of vans purchased to serve private-school children, while losing sight of the "true benefit, which is remedial-education services being provided to poor children who are in desperate need." *(See Education Week, April 10, 1991.)*

A Problem of Definition

The fundamental disagreement on the off-the-top issue is how to define "equitable services" when, as a result of the Supreme Court mandate, it is more costly to provide the same level of Chapter 1 services to students in private religious schools than it is to public-school students.

"If *Felton* costs were paid only from the Chapter 1 funds which would otherwise be used to provide educational services to private-school children," the Justice Department argues in its brief appealing the Missouri ruling in the *Pulido* case, "there would be insufficient funds remaining to provide *equitable* instructional services to those children."

A coalition of education groups has filed a friend-of-the-court brief in the appeal of the *Pulido* ruling, supporting the decision against the off-the-top funding rule. Those groups are the Council of the Great City Schools, the National PTA, the American Federation of Teachers, and the National Association of Secondary School Principals.

"The Education Department ruling was not based on any court case that the private-school children be funded 'off the top,' or out of the public-school share," said Mr. Casserly of the Council of the Great City Schools.

In a separate lawsuit filed last year, though not yet decided, the Chicago Board of Education also challenges the off-the-top funding mechanism because it provides private-school children with a disproportionately larger share of Chapter 1 funding.

In its complaint, filed in U.S. District Court in Chicago, the district argues that more than 1,000 eligible public-school students had to be eliminated from its Chapter 1 program when it was forced last school year to deduct the so-called *Felton* costs off the top of its Chapter 1 allocation. The district's Chapter 1 program served approximately 66,000 public-school students and 9,000 private-school students last year.

"I don't think Congress said, 'Take the money away from the public-school students and make them wait,' " said W. Frank Perry, director of the Chapter 1 program for the Chicago public schools.

But private-school educators take issue with the notion that the off-the-top rule robs public-school students of "their share" of Chapter 1 funding.

"The whole issue is the intent of Congress that eligible children are served no matter where they go to school," said Sister Lourdes Sheehan, secretary for education of the United States Catholic Conference. "To assume that the money is automatically the public schools' money is wrong. It's not our share or their share. It's the children's share."

Money for Capital Expenses

At the heart of the battle over funding is the expense of some of the alternatives for private schools, such as leasing neutral sites or mobile classrooms to provide Chapter 1 services to nonpublic-school pupils.

According to the G.A.O. report, 46 states that responded were expecting to spend a total of at least $105 million in 1989-90 on capital expenditures for Chapter 1 services to private-school students. The results did not include California and several other states whose private-school-student participation amounted to 19 percent of the total.

To help offset some of these costs, the Congress passed a law in 1988 authorizing funds for six years to pay school districts for certain capital expenditures incurred to deliver Chapter 1 services to students in private religious schools.

This past fall, the appropriation got a big boost, from about $25 million in fiscal year 1990 to more than $36 million in 1991. The total authorized in related legislation is $40 million per year.

"Certainly," Sister Lourdes of the U.S.C.C. said, "the infusion of capital-expense money has helped."

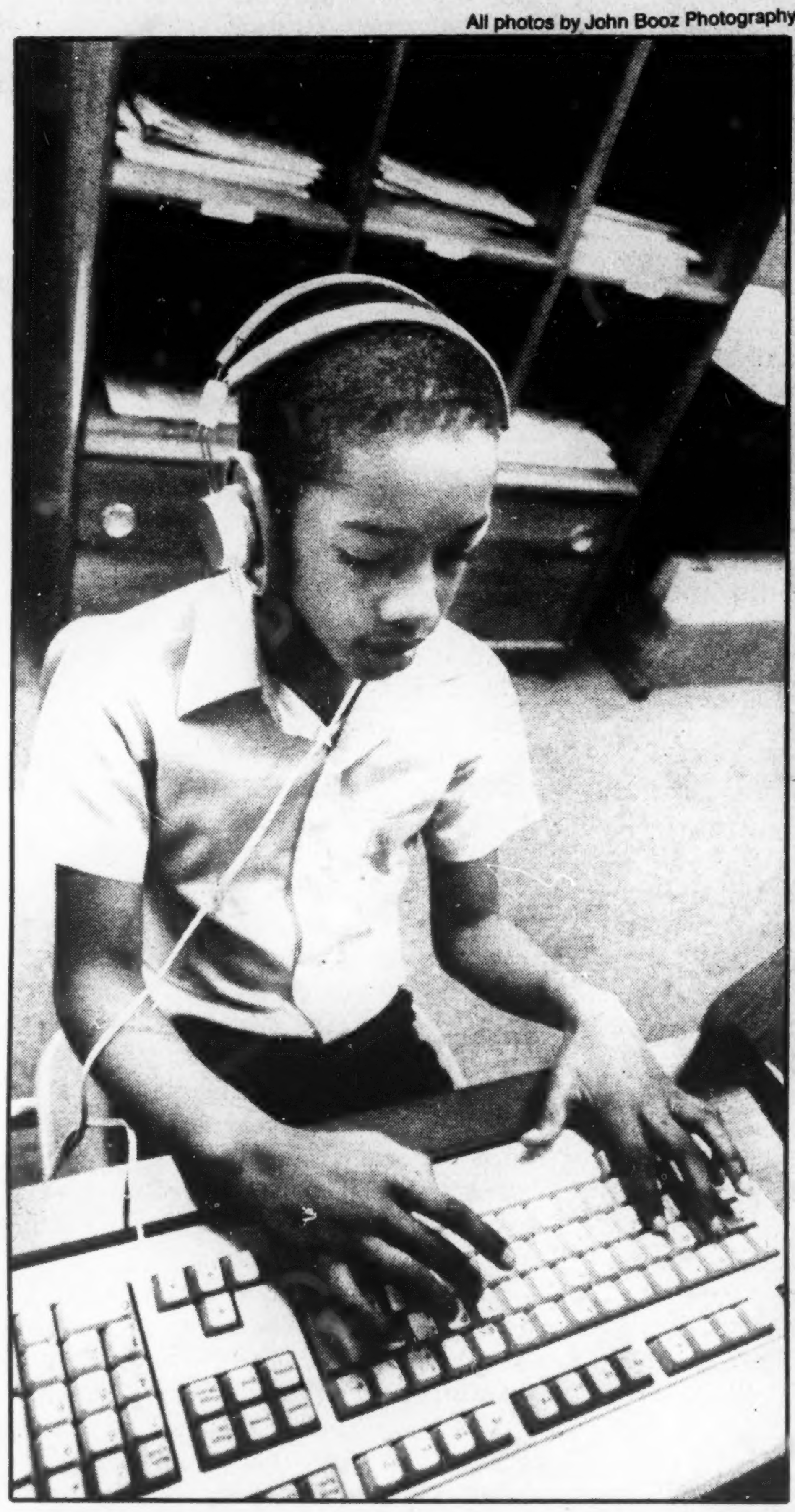
Meeting the Mandate

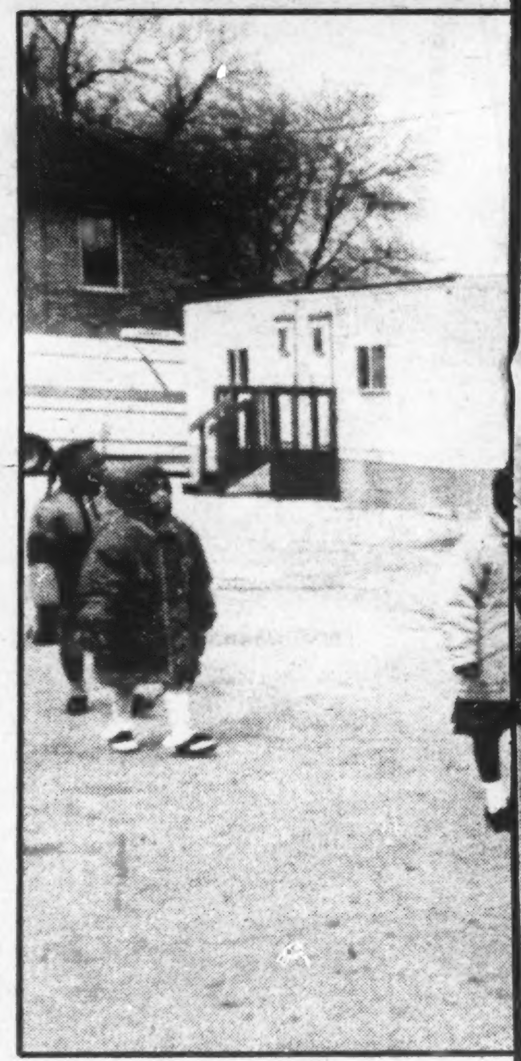
But, educators say, the capital-expenditure question draws attention to a more fundamental debate about what are the best pedagogical, practical, and legal means of providing Chapter 1 services to students in private religious schools.

In the wake of the *Felton* decision, school districts are essentially using five means to provide the services to private-school pupils: transporting them to public-school sites, busing them to neutral sites, driving mobile vans to private-school sites, installing portable classrooms at or near the private schools, and providing computers in private schools that do not require the presence of public-school Chapter 1 teachers. An even newer variation on the latter method is a home computer that students can use to tap into a mainframe computer via telephone.

In the initial years after the *Felton* decision, many public-school officials attempted to develop plans to bus private-school students to public schools or to neutral sites for Chapter 1 instruction. But they were met with deep resistance from private-school educators, which led to the development of plans for mobile vans, portable classrooms, and computer-aided instruction.

All photos by John Booz Photography





Students at Resurrection Catholic School in Chicago, right, make their way from the school to a mobile classroom for their Chapter 1 instruction. Helen Spranger, above right, teaches reading to Chapter 1 students at the school. Also in the reading class are Cleveland Chapman, above; in photo on top right, Erik Horn, left, and Karlos Freeman; and Richard Heffner, bottom right. Mobile classrooms are only one of several methods used by public schools to fulfill a mandate that local districts provide remedial services to private-school students, even those in religious schools, on an equitable basis with students in the public schools. To meet the requirement, districts are also transporting private-school students to public schools or neutral sites and providing computers to private schools.

Some districts saw private-school pupils' participation in Chapter 1 recover significantly after the Education Department ruled in June 1986 that portable classrooms could be placed on property leased from private schools. In Los Angeles, school officials leased 61 private-school sites and saw its private pupils' participation recover from a drop of 98 percent in the year after the *Felton* decision to only 21 percent below pre-*Felton* levels by 1989.

Because of varying needs within a district, many large school systems employ all the methods to some degree.

In most private schools with Chapter 1 students in Chicago, students go to rooms where a private contractor has installed computers that deliver the math and reading drills, Mr. Perry said.

Mobile classrooms have been installed at 31 private schools, a few send their students to three neutral sites, and some are provided with take-home computers.

Although the district is suing the Education Department over the off-the-top funding mechanism, it has maintained an excellent working relationship with private-school educators, both sides agree.

The computer-aided instruction is working well, said Joanne Planek, coordinator of federal programs for the Roman Catholic Archdiocese of Chicago.

"The children are so enthusiastic about it," she said, "they just sit down and start learning."

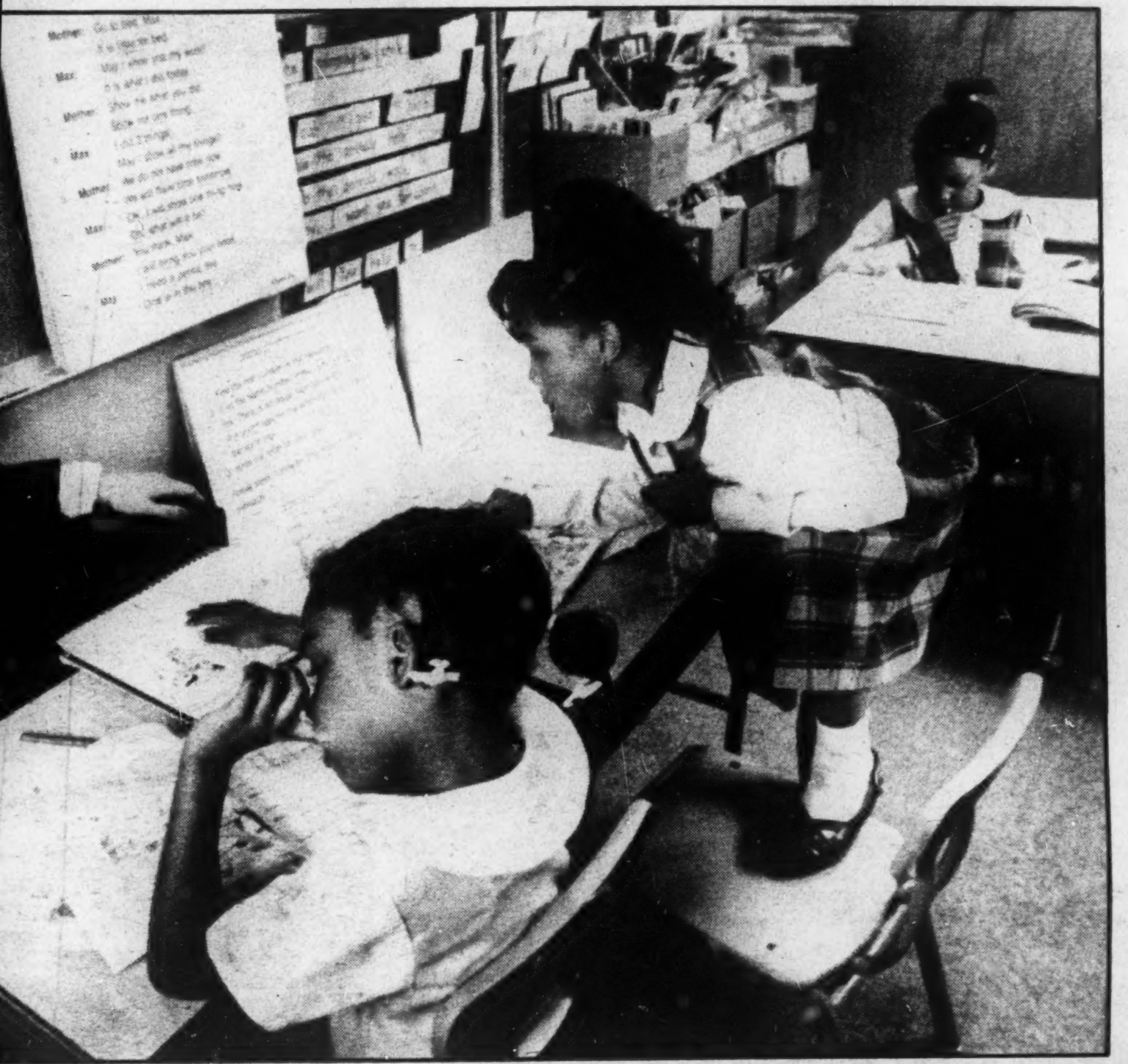
Americans United's Fight

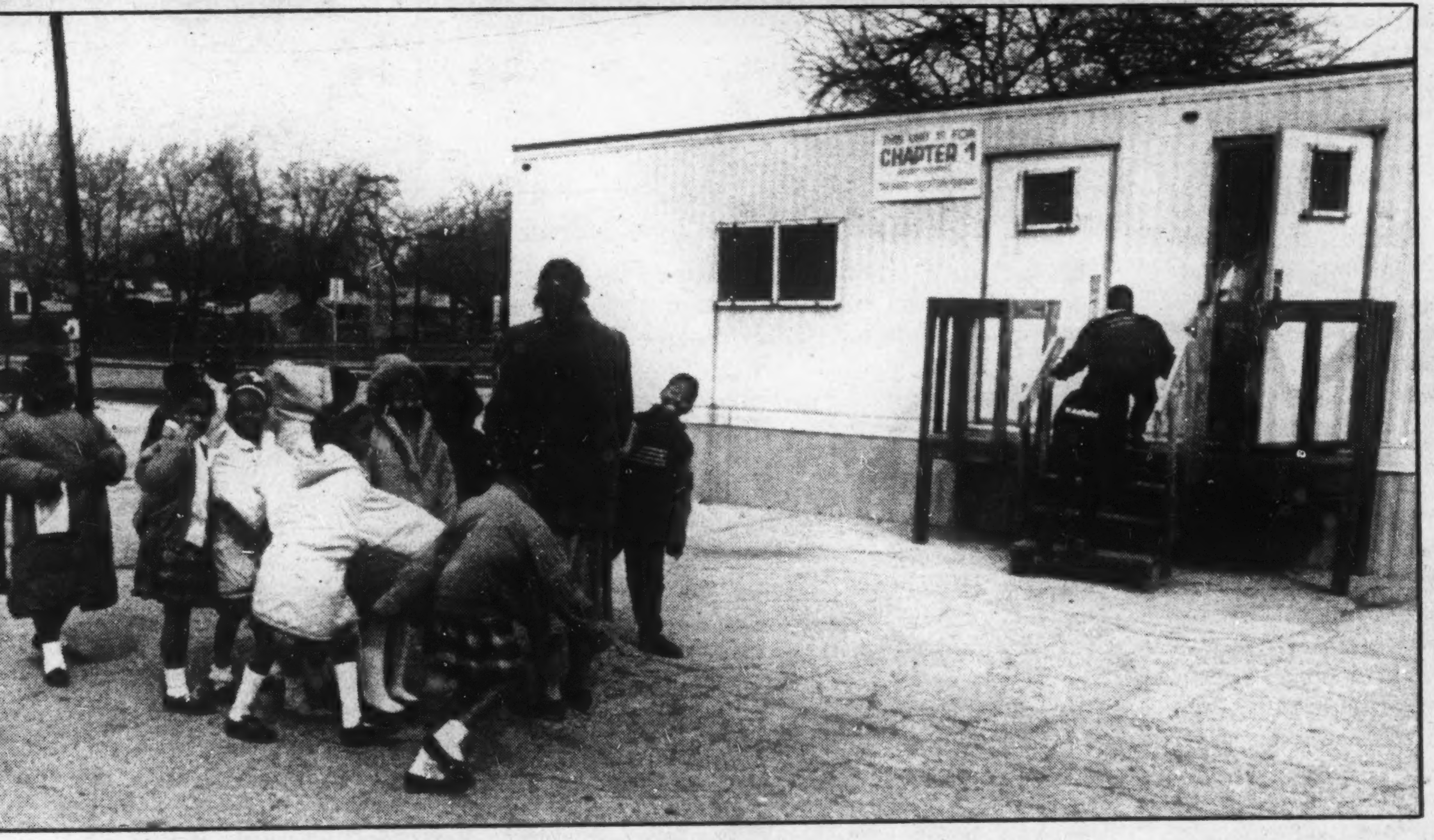
Computer-aided instruction is one of the few aspects of the delivery of Chapter 1 services to students in religious private schools that have not been challenged in court.

Americans United has undertaken the broadest legal attack on what it views as unconstitutional methods of providing Chapter 1 services in or near religious schools.

The advocacy group has backed taxpayers who are the plaintiffs in four lawsuits around the country. In the Missouri, Kentucky, and California cases, in addition to their challenge of the off-the-top funding mechanism, the lawsuits also questioned the legality of parking mobile vans on or near the property of religious schools to provide Chapter 1 instruction.

A case in New Orleans challenging state aid to sectarian schools, also backed by Americans United, questions the constitutionality of the special federal capital-ex-





pense appropriation for Chapter 1.

According to Mr. Boothby, the general counsel for Americans United, the advocacy group has pressed these cases over the past five years because it perceived "that there was an attempt by the Department of Education to punish public schools and public-school students for the results of the *Aguilar* [v. *Felton*] decision."

Mr. Boothby also charged that, in the aftermath of the decision, there was coordinated pressure from Roman Catholic diocesan officials around the country and from the U.S. Catholic Conference to make sure that public-school districts continued Chapter 1 services at or near Catholic-school sites, such as in mobile vans and portable classrooms, instead of transporting students to public schools or neutral sites.

"What resulted was that they created a more expensive program, and they were still providing it exclusively to parochial-school children," Mr. Boothby said.

Catholic schools are by no means the only source of private-school children who participate in Chapter 1. Many disadvantaged students in Lutheran schools, other Christian schools, and Jewish day schools also qualify, and their officials actively seek to ensure their participation.

By contrast, some private religious schools shun participation, generally out of a desire to avoid entanglement with public-school authorities.

But Catholic-school officials are clearly the most visible in their lobbying for full participation in Chapter 1 for their eligible students. And Catholic educational leaders strongly disagree with the advocates of strict church-state separation about the legality of the Chapter 1 programs.

"I think Americans United is fighting phantoms on this issue," said Mark Chopko, general counsel of the U.S. Catholic Conference. "The *Felton* case destroyed rightful equity in the [Chapter 1] program. These alternative delivery systems are not equitable. These children are worse off with the disruption in their classrooms."

'Experiencing Success'

Meanwhile, in New York City, where the *Felton* case originated, the public-school system is facing a new challenge from PEARL over its alternative methods of providing Chapter 1 services.

The New York City school system primarily relies on computer-aided instruction and mobile vans to serve the roughly 20,000 nonpublic-school participants in Chapter 1, who come from a mixture of religious schools as diverse as the city itself.

Stanley Geller, a New York lawyer who argued the *Felton* case before the Supreme Court, said the alternatives "are no good."

"They all continue to very closely resemble what was struck down in *Felton*," he said. "A mobile unit that drives up to the front door is nothing but an outside classroom, an annex of the parochial school. It's a flimsy evasion of *Felton*."

But PEARL's lawsuit has been bogged down in U.S. District Court in Brooklyn, and the school system has filed a motion claiming the issues will more likely be decided elsewhere first, Mr. Geller said.

PEARL recently released a report asserting that the board of education is spending $15 million to $20 million annually to "accommodate religious-school interests" by providing most Chapter 1 services to such schools with mobile units or computer-aided instruction.

PEARL said its research indicates that 82 percent of religious schools in New York City are within three to six blocks of a public school where Chapter 1 services can be obtained.

Mr. Boothby of Americans United said he believes the Education Department would like to see one or more of the current lawsuits reach the Supreme Court in the belief that the Justices, with a more conservative makeup, might rule differently than the slim majority in *Felton*.

But Mr. Boothby said he believes that the court would refuse to allow public-school teachers back into the classrooms of private religious schools.

"With the factual record we have in these cases," he said, "we have an even more compelling case for the Court to find as it did in *Felton*."

Often lost amid all the logistical challenges and court battles over the program, say private school educators, is the success of, and the continuing need for, the remedial help for thousands of pupils in nonpublic schools.

"I keep track of students who have been in the program for a period of three years," said Mr. Shyshka, the principal of Holy Spirit School in the Bronx. "Over three years, the kids improve more than four years on average in their reading and math scores."

"This is a supplement to regular classroom instruction where students are able to experience success at their own pace," he added. "If they didn't need it, they wouldn't be in there." ■

CHAPTER 1:

Special Education

Need for Separate Handicapped Program Again Up for Discussion

By Debra Viadero

When the Chapter 1 handicapped-education program was created 25 years ago, it broke new ground by providing funds for states to use to educate children with disabilities.

But today, some federal officials contend, the program may be beside the point.

Sentiment is growing among a number of lawmakers and federal officials to either overhaul the little-known program, phase it out altogether, or merge it with the much larger federal special-education program created under the Education of the Handicapped Act, now known as the Individuals with Disabilities Education Act.

The program's fate was nearly decided last year when the House Appropriations Committee, in a move that surprised some special-education advocates, proposed consolidating the two special-education programs, as had been suggested by the Bush Administration.

The recommendation caused an uproar among special educators and advocates for the handicapped nationwide. And the program was restored in conference meetings with Senate leaders, who argued that the matter required more careful deliberation.

This year, however, the Chapter 1 handicapped program is under siege again. The Education Department, in its latest budget proposals to the Congress, has recommended that funding for the program, which currently receives nearly $150 million, be reduced by $23.2 million and that it be phased out altogether by 1996.

"This has been a contentious issue," said Robert Silverstein, director of the Senate Subcommittee on Disability Policy. "It will definitely be on our plate for discussion purposes this year."

Becoming Overshadowed

Federal officials have been questioning the need for the separate Chapter 1 handicapped program since the passage of the E.H.A. in 1975. The landmark special-education program created under that law quickly dwarfed the Chapter 1 program in terms of both breadth and funding level.

While the Chapter 1 program gives states the option of participating, the 1975 law requires schools to serve disabled students and provides massive sums of money to help do the job.

The Congress has never footed 40 percent of the bill, as promised, but the program, now known as IDEA, is the second-largest federal precollegiate-education program, exceeded only by the main Chapter 1 program serving non-handicapped disadvantaged children.

IDEA is currently funded at nearly $2 billion, compared with $148.9 million for the Chapter 1 handicapped program.

According to a Congressionally mandated study by the General Accounting Office, both programs provide similar kinds of services to a wide range of children with disabilities.

The federal watchdog agency noted in its study, however, that services to the Chapter 1 handicapped children "tend to be more frequent or more intensive."

As early as 1977, the G.A.O. proposed merging the administrative functions of the two programs. Its most recent study on the subject, released 11 years later, continued to expand on that recommendation.

The more "frequent and intense" nature of the kinds of services Chapter 1 students receive is a reflection of the population it is intended to serve: students with severe disabilities.

The original purpose of the law was to prod states to develop educational programs for children confined to state-operated or state-supported institutions where most severely handicapped children are served. A "transfer" provision later added to the law was designed to encourage states to move many of those children into local school districts by allowing the funds to, in effect, "follow" the students.

The law never specified, however, that the money was to be used exclusively for children with severe disabilities. Consequently, the funds buy services for a wide range of disabled children from birth to age 21.

Children Most in Need

Most of those services are supplemental in nature, the G.A.O. says. They range from occupational and physical therapy to counseling and music therapy.

"These are services which may not be required to provide a basic, appropriate education but may make a qualitative difference in the lives of children," said Linda Lewis, who, as associate director of the National Association of State Directors of Special Education, last year lobbied to retain the program.

For the most part, those services still go to seriously disabled children.

In recent years, however, the G.A.O. contends, states have increasingly used the money for mildly or moderately handicapped students as well.

Part of the reason for the new influx of less severely handicapped students has been a growing tendency in some states to use Chapter 1 funds for infants, toddlers, and preschoolers with disabilities.

Up until 1986, when the Congress amended IDEA to provide strong incentives for states to serve their youngest handicapped citizens, no funds were available under that special-education program for children younger than school age. Even some of the new infant-and-toddler programs provide only "glue money" intended to help states plan a system for serving that population but not to fund those services.

According to the Education Department, services for 37,000 children age 2 and under were funded through the Chapter 1 handicapped program last year.

According to the G.A.O., more than half of children age 5 and under who are being served through the program have mild or moderate disabilities—and not the serious handicaps envisioned by the framers of the program.

'Bizarre' Funding Formula

Federal officials also complain that funds for the Chapter 1 program are distributed unevenly among the states.

Because of a funding formula described by one Congressional aide as "bizarre," some states receive as little as $120,000 through the program, while others collect more than $29 million. Four states that count moderately handicapped children in the program receive nearly half of all program funds distributed nationally, according to the G.A.O.

For states that have chosen to maximize use of the program, one attraction may have been that they receive more money for every handicapped pupil served through Chapter 1 than they do under IDEA.

While the amount varies widely across states and school districts, states received an average of $580 for every student in the Chapter 1 handicapped program during the 1988-89 school year. The average per-pupil allocation for programs funded under IDEA, in comparison, was $331 that year.

Eric Beggs

Barbara Fizer, a teacher's aide whose salary is paid for with funds from the Chapter 1 program, guides a student through a reading lesson in a class for handicapped students at Sims Elementary School in Austin, Tex.

In arguing that funding for the Chapter 1 program be phased out, Judith A. Schrag, director of the Education Department's office of special-education programs, said, "The need for differential funding was important in the past when it was needed to start up funding for school districts."

"It is our opinion that the original intent of the Chapter 1 handicapped program has been met," she added. "That is, children across the country have been deinstitutionalized and become part of ongoing special-education programs."

A Close Call

Despite longstanding skepticism about the value of the program, the House Appropriations Committee's action last year was, in the words of one advocate, "the closest it ever came to disappearing off the face of the earth."

One Congressional staff member said the panel chose last year to propose merging the two programs because the committee was also recommending a major funding increase in general special-education aid to states that would have more than offset any loss of funds for the Chapter 1 program.

"It was an unusual opportunity," he added.

The committee had proposed increasing special-education grants to states by $857 million. The amount eventually approved by the Congress was closer to $700 million, but there was a major increase in a separate federal program for infants and toddlers with disabilities.

The close call prompted advocates to form an informal national group to review the Chapter 1 program. The group, which includes representatives from NASDSE, the Council for Exceptional Children, some state schools for the deaf and blind, and state Chapter 1 coordinators, has met twice since November.

"We haven't made any recommendations yet, but what we found was a consensus that there is still a need for the program," Ms. Lewis of NASDSE said. "It really, in the best sense of federal support, helps to sustain services to children who might not always be covered under other statutes."

Both special-education advocates and Congressional sources said they are uncertain what will happen to the program in budget negotiations this year.

The Education Department's latest budget proposal, like many proposals that have come before it, would gradually phase out the program with no significant infusion of federal money in other special-education programs. The change, Education Department officials calculate, would mean a net loss in special-education funds next year for four or five states.

But, as one Democratic appropriations aide said, any action on that proposal would depend on how much money would be made available to offset any losses.

"The ease with which the program could [make the] transition is influenced by the amount of money you have in the program over all," he noted.

At least one subcommittee staff member, however, disagrees. Mark Weston, a Republican aide on the appropriations panel, said the special-education advocates may have passed up "the chance of a lifetime" by not accepting the consolidation when it was accompanied by a major funding increase.

"Now, they'll ultimately end up having to accept a merger but not having the money," he said.

"If this ever came to a vote on the House floor," he said, "you'd have members from four or five states pitted against everyone else."

He added, "Who do you think is going to win?" ■

WASHINGTON

Senator Proposes Trust Fund for Children's Programs

By Deborah L. Cohen

WASHINGTON—Arguing that the Congress has failed to match its "rhetorical support" for children's programs with adequate funding, Senator Christopher J. Dodd last week introduced legislation to establish a trust fund in the federal budget for programs targeted at children, youths, and families.

The Connecticut Democrat, who chairs the Senate Subcommittee on Children, Families, Drugs, and Alcoholism, conceded that enactment of the "children's investment trust act"—which would be financed in large part through a new tax source—was unlikely to come in this Congress, and could be years away.

"I don't have any illusions about how long it will take," he said at a hearing on the measure held by his subcommittee last week. "But you have to start somewhere."

Mr. Dodd got an unexpected preview of the obstacles ahead when William H. Kolberg, president of the National Alliance of Business, departed from his prepared testimony to reveal that his group would not support the plan.

"As of today we couldn't support your proposal," Mr. Kolberg said. "It seems more like a silver-bullet approach to what is a long-term problem."

The measure is based on a proposal developed by Jule M. Sugarman, one of the founders of Head Start, who has argued that an earmarked trust fund is the only way to ensure a stable, sustainable funding source for some 200 children's programs that are now scattered under the jurisdiction of numerous agencies and committees.

'Politically Suicidal'?

Mr. Dodd's proposal would establish a "Children's Investment Trust" in the U.S. Treasury to fund federal education- and health-related programs serving children, youths, and families.

It would support programs addressing needs ranging from nutrition and immunization to child welfare and child care, giving priority to such "proven, cost-effective programs" as Head Start, the Special Supplemental Food Program for Women, Infants, and Children, and the Chapter 1 remedial-education program.

The trust fund could also be used to finance tax credits benefiting families with children, and a portion of the fund would be set aside each year for entitlement grants to states to expand and integrate children's programs at the state and local levels.

The trust would be funded through three sources: an automatic appropriation equal to the total fiscal 1991 appropriations for all federal programs for children, youths, and families, with annual inflation increases; earmarked revenue from a new tax source, to be identified by the Congressional tax-writing panels; and income from investment of trust money.

The appropriated amount plus 60 percent of the funds from the new tax would go toward federal programs and services, while 40 percent of the new tax revenues would be reserved for entitlement grants to states to bolster and coordinate state and local programs.

Enactment—including tax to pay for it—could be years away.

Mr. Sugarman has proposed that funding for the trust come from a progressive payroll tax with a base tax rate of one-tenth of 1 percent that would increase to three-tenths of 1 percent by 1996, raising some $25 billion. Workers with incomes of under $5 an hour and their employers would be exempt from the tax, while the rate would double for those earning more than $53,400 and their employers.

To ensure that funds go to the most effective programs, Mr. Dodd's bill calls for an independent panel, to be established by the National Academy of Sciences, to evaluate each program every six years and recommend which should be improved or eliminated.

Mr. Sugarman, who testified at last week's hearing, praised the panel for "considering legislation which some might consider politically suicidal."

"Never before has Congress addressed the condition of children in such a comprehensive and bold fashion," he added.

The plan also drew praise from other witnesses at the hearing, including Erling W. Clausen, past president of the American Association of School Administrators.

"I believe this hearing and this introduction will come to be known in our history books with all the importance and all the fervor that is given to the first legislative steps taken on behalf of the Social Security Act more than 50 years ago," he said.

Tax Hike Opposed

But Mr. Kolberg of the National Alliance of Business said he was "uncomfortable'" with the prospect of raising taxes during a recession and while pressure is mounting to trim the federal deficit. It would be better, he said, to increase spending on Head Start and other programs gradually through the appropriations process while garnering public support for a more stable funding source.

Going the trust-fund route, he argued, would focus debate on "a tax proposal rather than building the national will."

Senator Dodd, who admitted he was "somewhat stunned" by Mr. Kolberg's remarks, said he found it "disappointing" that the business community—which has been increasingly vocal in backing hikes in Head Start, WIC, and other programs—has yet to "come forward and say how we would pay for it."

"Now we're saying here's how," Mr. Dodd added, noting that opinion polls suggest the public would support higher taxes if the money were directed at children's programs.

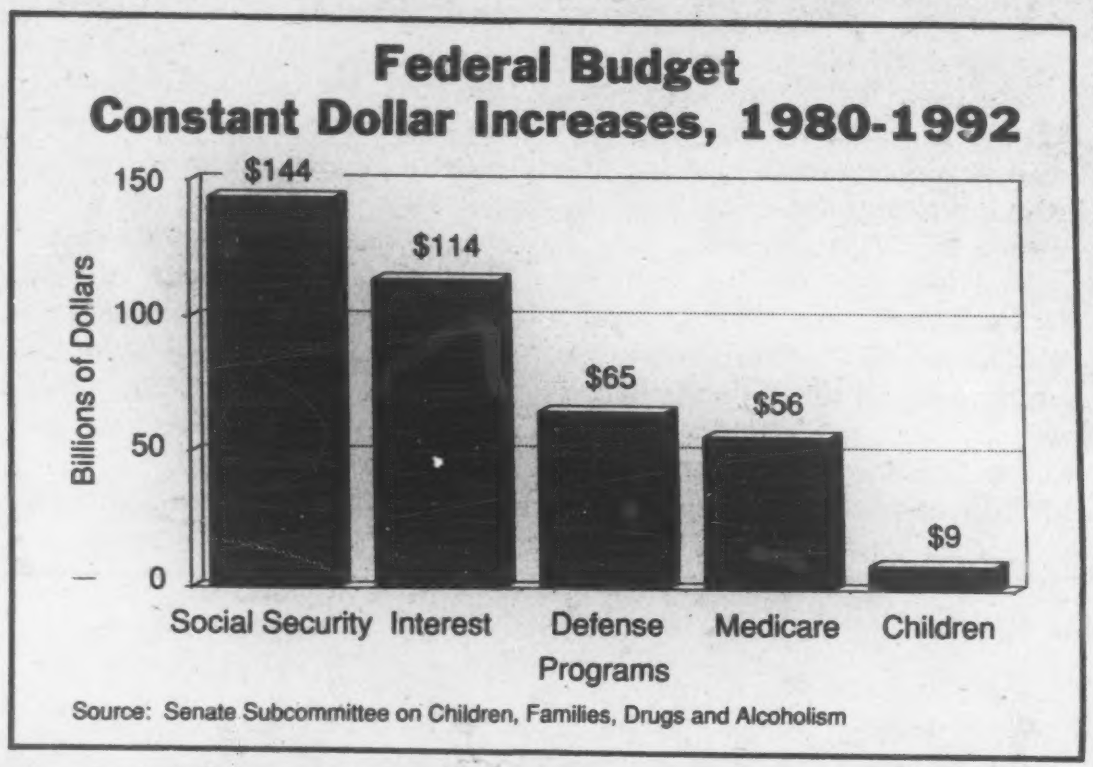
Responding to a jest by Mr. Kolberg that a "surcharge on Pampers and baby formula" could be used to fund the trust, Mr. Dodd instead proposed a surtax on high-income taxpayers and businesses.

He also displayed charts showing that the share of the federal budget devoted to children's programs fell by 15 percent between 1980 and 1990, and that funding for such programs increased at only one-fourth the rate of the budget as a whole.

"I've really sort of given up on the present process" for funding children's programs, said Mr. Dodd, who characterized the trust-fund proposal as "an act of exasperation."

Also testifying at last week's hearing was Gordon M. Ambach, executive director of the Council of Chief State School Officers, who voiced "strong support for the heart of the concept" of a dedicated tax.

But revenues from the tax, he argued, should be directed mainly at education programs and "should be assigned solely for the use of specifically authorized federal programs" rather than left to states' discretion.



Source: Senate Subcommittee on Children, Families, Drugs and Alcoholism

3 Federal Agencies Probing Cavazos Travel Practices

WASHINGTON—The Education and Justice departments and the Federal Bureau of Investigation are examining whether the travel practices of former Secretary of Education Lauro F. Cavazos violated federal regulations, current and former Bush Administration officials said last week.

Reports surfaced last fall that the Education Department's inspector general was investigating the travel practices of Mr. Cavazos and his wife, Peggy, as well as Mrs. Cavazos' role at the agency, where she was a prominent presence.

Department officials confirmed then that the agency's watchdog office was investigating whether the couple booked flights on Trans World Airlines—sometimes using more expensive, circuitous routes—to enable Mrs. Cavazos to fly free, using the travel privileges of a son employed by the airline.

Use of airline by Secretary's wife under scrutiny.

Administration officials and former aides to Mr. Cavazos who have been interviewed by investigators confirmed the involvement of the Justice Department and the F.B.I. after news reports on the investigation appeared last week. The media's interest may have been sparked by recent revelations of expensive unofficial travel on military aircraft by John H. Sununu, the President's chief of staff.

Frequent-Flyer Bonuses

Current and former officials also said the investigators are examining whether Mr. Cavazos used frequent-flier miles accumulated on official trips to obtain tickets for his wife. Government policy requires that such bonuses be used for official business.

Mr. Cavazos resigned last December under pressure from the White House, and has refused almost all requests for interviews. He could not be reached for comment last week. —J.M.

Helayne Seidman

Then-Secretary of Education Lauro F. Cavazos and his wife, Peggy, at a meeting in New York a year and a half ago.

FEDERAL FILE

Transitions ■ Ted's choice ■ Off the wall?

Some Washington observers have suggested that the expected nomination of the education historian Diane Ravitch to a top Education Department post may have been held up because she is a Democrat.

Ms. Ravitch, a professor at Columbia University's Teachers College, was married until 1986 to Richard Ravitch, a politically active businessman who sought the Democratic nomination for mayor of New York City in 1988.

Local election officials said that there is a Diane Ravitch who has been registered to vote in the city as a Democrat since 1972.

Ms. Ravitch did not return telephone calls last week.

Bush Administration officials confirmed in late March that she is slated to replace Christopher T. Cross as assistant secretary for educational research and improvement.

Last week, an Education Department official said the nomination should be announced soon, suggesting that observers think it was delayed because the information leaked out earlier in the process than usual.

■

Meanwhile, Mr. Cross has apparently found a new job.

He could not be reached for comment, but a source close to Mr. Cross said he had accepted an offer to oversee education programs for the Business Roundtable.

■

Aides to Senator Edward M. Kennedy, the Massachusetts Democrat who chairs the Senate Labor and Human Resources Committee, are apparently working on legislation to be offered as an alternative to the Administration's America 2000 plan.

Massachusetts educators who have been consulted by Mr. Kennedy's staff said the Senator plans to propose a school-choice program that does not include private schools and will contain safeguards to ensure that choice does not threaten racial desegregation.

■

The department's infamous wall chart may be dead.

Secretary of Education Lamar Alexander said last week that he had not yet decided whether to retain the seven-year-old annual compendium of state level data on education funding and college-entrance-exam scores, which is usually released in May. But Administration officials said he is leaning against it.

Some officials urged its demise last year, arguing that educators and governors dislike it and that it would duplicate the "report card" being devised by the Administration and governors to measure progress toward national education goals. —J.M.

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EDUCATION WEEK

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Court Backs Rule On Chapter 1 in Religious Schools

'Off the Top' Funding Allowed, Judges Say

By Mark Walsh

In a significant defeat for a coalition of public-education groups and advocates of strict church-state separation, a federal appeals court last week upheld as constitutional a controversial federal rule on the allocation of Chapter 1 aid to students in religious schools.

Overturning a lower-court decision in a Missouri case, a three-judge panel of the U.S. Court of Appeals for the Eighth Circuit held unanimously that the U.S. Education Department could force states and school districts to deduct "off the top" of their entire allocations under the federal remedial-education program certain extra costs of providing services to religious-school pupils.

The costs include the leasing of mobile vans or portable classrooms to provide the required services.

Splitting 2 to 1, the appellate panel also overturned the lower court's ruling that such vans or portable classrooms could not be placed on the property of a church-affiliated school. The appeals court said the units could be viewed as "religiously neutral" under the proper circumstances.

The May 21 decision was the first by a federal appellate court to address the constitutionality of the "off the top" formula and the use of mobile Chapter 1 classrooms on church-school property. Federal district courts have reached differing conclusions on those issues.

The Education Department adopted the funding rule in response to the U.S. Supreme Court's 1985 ruling in *Aguilar* v. *Felton*, which barred public schools from sending their employees into the classrooms of religiously affiliated schools to teach Chapter 1 classes. The rule was designed to make funding available for more expensive alter-

Continued on Page 23

Bush and Kennedy Bills Set Stage for Federal Debate

Seen as the Most Contentious Issue, Choice Included in Both Reform Plans

By Julie A. Miller and Mark Pitsch

Washington—The Bush Administration last week sent its eagerly awaited education legislation to Capitol Hill and a key senator introduced several education bills of his own, setting the stage for a debate on the federal role in education reform.

The Administration's bill contains the legislative framework needed to implement much of its America 2000 education-reform strategy, and it answers many of the questions raised by observers about how the programs would work.

The bill would support the development of innovative schools, reward districts that establish educational-choice programs, and require Chapter 1 funds to follow children who change schools under such a program. The measure would also create a regulation-waiver system, expand the National Assessment of Educational Progress, charter a commission to study questions related to the length of the school day and year, and create state training academies for educators.

Significantly, the bill was introduced by Senate education leaders from both parties: Democratic Senators Edward M. Kennedy of Massachusetts and Claiborne Pell of Rhode Island, chairmen of the Senate Labor and Human Resources Committee and its education subcommittee, respectively; and Senators Orrin G. Hatch of Utah and Nancy L. Kassebaum of Kansas, the ranking Republicans on those panels.

"I have reservations about some parts of it, especially the plans to turn the Chapter 1 program into a voucher and the creation of a choice program that includes private schools," Mr. Kennedy said.

However, he said, "we need to put partisan differences aside and

Continued on Page 22

AP/Wide World Photos

President Bush chats with Sarah Stevens, a student at the Saturn School of Tomorrow, during his tour of the innovative school in St. Paul, Minn., last Wednesday, the day before he sent his education package to Capitol Hill. See story, page 22.

San Francisco Eyes Pro Sports Tax To Pay for Interscholastic Athletics

By Peter Schmidt

The San Francisco Board of Supervisors was expected to give final approval this week to a unique tax on professional-sports tickets that would avert a proposed shutdown of the city school district's interscholastic-athletics program.

The measure would apply to the San Francisco 49ers football team, whose stadium-admissions tax would increase by 75 cents a ticket, and to the Giants baseball team, whose per-ticket tax would rise by 25 cents.

The tax increase, to apply only during the 1992 seasons for both teams, was expected to raise some $1.06 million—enough to cover the San Francisco Unified School District's interscholastic-sports budget for the coming school year.

Superintendent of Schools Ramon C. Cortines, facing a $16-million deficit in the district's budget for 1991-92, had proposed suspending the sports program for one year. Academic programs are also threatened with cuts.

The board of supervisors unanimously approved the ticket-tax increase on a preliminary vote last week, and Mayor Art Agnos has said he would sign the measure into law.

But officials of the Giants and the 49ers "have been caught between a rock and a hard place on this one," according to Supervisor Terence T. Hallinan, who wrote the legislation.

Continued on Page 13

Chicago Board, Chief Face Criticism Over $316-Million Deficit

By Ann Bradley

The Chicago board of education and Superintendent Ted D. Kimbrough are coming under increasing fire for their failure to spell out how they will address a $315.8-million deficit in next year's budget, the largest ever faced by the school system.

The gap in the district's $2.3-billion budget stems largely from the 7 percent raises the city's interim school board granted last year to teachers and other employees, according to an analysis by the Chicago Panel on Public School Policy and Finance, which monitors the district's finances.

It was widely known at the time that the district could not afford the raises, but interim board members said they believed that increasing teachers' salaries was critical to the success of the city's nationally watched reform efforts.

Since Mr. Kimbrough announced the deficit on May 1, he and board members have faced a storm of criticism from Chicago politicians who say they are angry that no firm plans have been made in the 10 months since the teachers' contract was an-

Continued on Page 12

Diane Barrows

Lauren Bisceglia in one of her home-economics classes in Newton, Mass.

A Case in Point: District Fears Quality Is Suffering as It Cuts Closer to the Bone

By Karen Diegmueller

Newton, Mass.—Lauren Bisceglia has stopped buying the sturdy canvas out of which her home-economics students have always made tote bags. "We can't afford that anymore," the Brown Junior High School teacher says.

These days, the totes are cut from cheaper cloth she buys by the pound at a factory-outlet store.

Despite the rising cost of such materials and an increase in the number of students she teaches, Ms. Bisceglia has only $1,800—the same amount she has received for each of the past four years—to buy sewing goods and food supplies for her 300 students.

As long as the students carry a light load in the elegantly stitched bags, Ms. Bisceglia explains, they will hold up fine. But if they use the totes as book bags, the cloth will tear.

While Ms. Bisceglia's forced economies on tote bags are of relatively minor importance in the scheme of things, they epitomize the plight of the school district that employs her. By scaling back on expenditures, both the home-economics teacher and the Newton public schools are getting the job done, but the financial

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Also in the news

4 **Educational Perestroika**
U.S. educators and architects are helping the Soviets plan a "School of the 21st Century" near Moscow.

IN SUMMARY

Aiding Black Males
A new commission, backed by a cast of political luminaries, has launched a national crusade to better the status and destiny of black males in this country. **Page 5.**

Bible Distribution Backed
A federal district judge has upheld an Indiana school district's policy of allowing members of the Gideon organization to distribute Bibles to students on school grounds. **Page 5.**

Ready for Prime Time
A federal appeals court has struck down a Federal Communications Commission rule designed to protect children from "indecent" radio and television broadcasts. **Page 5.**

Seeking New Scientists
The Energy Department has awarded $1.28 million to programs that encourage middle-school girls and minority students to pursue science careers by allowing them to study at universities. **Page 8.**

Where's the Dough?
Gov. Ned McWherter's school-reform plan got a boost from the Tennessee House last week, but questions remained on the Senate's intentions and the whereabouts of funding. **Page 14.**

Tarheel Troubles
North Carolina's worst budget crisis in at least three decades is overshadowing efforts to speed up what many see as the slow pace of improvements in the state's public schools. **Page 15.**

Overhauling Student Loans
A Senate subcommittee issued a report last week that calls for sweeping reforms in the government's troubled Guaranteed Student Loan program. **Page 20.**

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ACROSS THE NATION

STATES

West Virginia Agrees To Bar Segregation of Spec.-Ed. Students

To settle a suit brought by activists for the disabled, the state of West Virginia has agreed to bar the segregation of special-education students in facilities separate from other students.

State officials reached an out-of-court settlement this month with West Virginia Advocacy, a nonprofit organization assisting the handicapped, which filed the lawsuit in a federal district court last December.

The suit alleged that special-education students in many public-school districts were relegated to separate classrooms and other facilities. The separation denied special-education students access to an equal education, the suit charged.

Schools in about 10 of the state's 55 counties have violated federal laws by separating the special-education students, Henry R. Marockie, state superintendent of schools, acknowledged in resolving the suit.

Under the terms of the settlement, the separate facilities are to be abolished by the start of the next school year; schools are not to conduct special-education courses in buildings that do not also house other classes or are not comparable to facilities for other classes; and teachers are to be provided training on the needs of special-education students.

■ **A federal judge has upheld the constitutionality of a University of Maryland scholarship program that is available only to black applicants.**

The ruling is believed to be the first since last December, when Michael L. Williams, the U.S. Education Department's assistant secretary for civil rights, declared such scholarships illegal under Title VI of the Civil Rights Act of 1964. Secretary of Education Lamar Alexander is reviewing that decision.

In his ruling, U.S. District Judge J. Frederick Motz said that the university's scholarship program was established in response to charges of discrimination made against the university in 1969 by the federal government, and that, therefore, it is legal not only under the Civil Rights Act, but under the constitution as well.

Daniel J. Podberesky, a white freshman, filed the suit last summer, saying that he should be eligible for the Benjamin Banneker Scholarship, which was begun in 1978.

Each of the 28 scholarships offered to students in 1990 is estimated to be worth $33,500.

■ **The Minnesota State Board of Education this month gave preliminary approval to a plan to implement outcome-based high-school graduation requirements statewide.**

If implemented, the seven-part standards would make Minnesota the first state to require that graduates master certain skills instead of just completing set courses or accruing credits, according to officials of the state department of education.

The proposals are to be discussed in public hearings and will be formalized through the state board's rule-making process before tentatively taking effect in the 1996-97 school year.

The proposals demand that students be able to communicate with words, numbers, symbols, and sounds; solve problems on the personal, social, and academic levels; contribute as citizens knowledgeable of state, local, and national government; understand human diversity and interdependence; work both independently and cooperatively; develop physical and emotional well-being; and contribute to society's economic well-being.

DISTRICTS

Far-Reaching Spec.-Ed. Plan Presented to N.Y.C. School Board

Disabled students graduating from New York City public schools would be guaranteed either a job or enrollment in a post-secondary education program under a far-reaching special-education plan presented to the city's board of education this month.

"Most people get their first jobs as a consequence of contacts made through family, friends, and other intermediaries," said David W. Hornbeck, the consultant who drafted the proposal. "Those with handicaps need even more of that kind of assistance."

The proposal is part of a bold and comprehensive plan crafted by Mr. Hornbeck, a former state school superintendent in Maryland, and an associate, Sue Lehman, to overhaul the school system's long-troubled special-education program. The system has been under a federal court order since the 1970's to eliminate a backlog of children awaiting special-education services.

The report also calls on schools to provide a high-support reading program, such as "Reading Recovery," for all disabled children through the 3rd grade and recommends the establishment of school-level teams to intervene early when children are having trouble in school and provide them with extra help in their regular classrooms. The purpose of the teams is to avoid placing children in costly special-education program and giving them potentially stigmatizing labels.

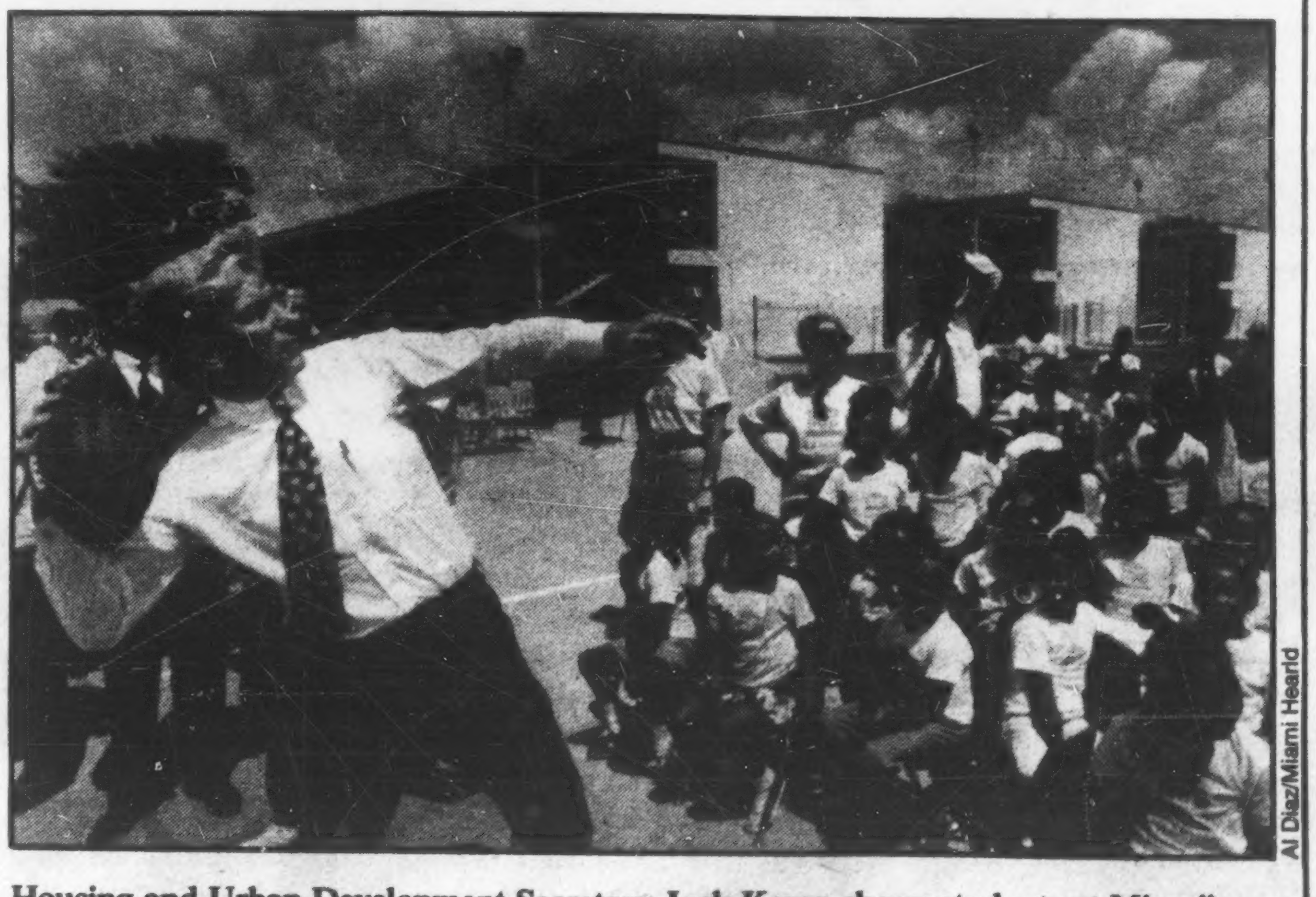
The consultants also said schools that do a good job of serving disabled students should be exempted from state and federal regulations restricting the expenditure of special-education funds.

"The question posed to school staff must shift from, 'Did you do what they told you to do?' to 'Did it work?' " the report stated.

The plan, parts of which may initially be costly, comes at a time when the school system faces more than $1.5 billion in budget cuts. Some of the reading programs recommended in the report, for example, may cost an extra $800 to $1,000 a year per student.

City school-board members have not indicated whether they plan to act on the report. A spokesman for the district said last week that the board may choose to adopt some of the plan's less costly features.

Back in Form



Housing and Urban Development Secretary Jack Kemp shows students at Miami's Lillie C. Evans Elementary School how he once quarterbacked the Buffalo Bills.

Unions in N.Y. District Agree On 'Givebacks' To Save Programs

Employees of the Averill Park Central School District near Albany, N.Y., have agreed to give back portions of pay raises negotiated for next school year in order to save some district programs from budget cuts.

The superintendent and various bargaining units representing management, faculty, and support staff have agreed to "givebacks" ranging from 10 percent to 35 percent of expected pay increases for the sake of keeping the district from adding to class sizes or cutting certain programs.

In all, the givebacks are expected to save the district $180,000 to help cope with an expected loss of $600,000 in state aid, district officials said.

Officials of teachers unions in the state said the givebacks are unusual and that they have been discouraging the employees of other districts in the state from offering similar concessions.

■ **A 15-year-old who had been watching a championship lacrosse game at a Washington, D.C., school was killed earlier this month when the tree he was standing under was struck by lightning.**

Noah Eig, a 9th grader at the Landon School in Bethesda, Md., was killed instantly as he and other spectators sought shelter under a 50-foot tree at St. Albans School, school officials said.

The varsity game between St. Albans and Landon had been suspended about 10 minutes earlier because of lightning in the area, said Pat Griffin, a St. Albans coach.

Ten others in the estimated crowd of

1,500 were injured, including several Landon and St. Albans students and parents, officials at the schools said. Some of the injured remained hospitalized last week.

Landon School was closed May 20 to honor Noah's memory.

The two teams were playing for the lacrosse championship in the Interscholastic Athletic Conference, a league of private schools in the District of Columbia, Maryland, and Virginia, said John Fisher, a Landon teacher and spokesman for the school.

■ **Federal authorities last week were investigating the cause of a school-bus accident in Cornelius, N.C., that left 3 children dead and 12 injured.**

The bus was carrying about 20 students home from Alexander Junior High School in the Charlotte-Mecklenburg School District when it collided with a dump truck and then wrapped around a tree.

About 200 Alexander students were provided counseling after the accident, which is being investigated by the National Highway Traffic Safety Administration as well as local authorities, a district spokesman said.

■ **The Austin (Tex.) Independent School District should pay bilingual teachers stipends that were promised in 1989 contracts but later cut for budgetary reasons**, a state district-court judge has ruled.

Several bilingual teachers had sued the district after the $1,500 stipends promised them in 1989 contracts were eliminated about a month after the July 1 contract deadline.

Lawyers for the teachers asserted that their clients had accepted their jobs because of the stipends.

■ **Mayor David N. Dinkins of New York City has proposed a budget that would eliminate a school-health program that provided free medical exams to 45,000 children last year.**

Through the school system, the city's department of health provides free services to children, including new-admissions examinations, vision and health screenings, team sports examinations, and immunizations during disease outbreaks.

The cuts would eliminate about 174 jobs and would save the city $7.5 million, a document released by the city council said.

Due to budget problems, the health department has also decided not to enforce a city mandate that all children entering school have a complete physical examination, including the required screenings for lead, tuberculosis, and immunizations.

The city council will not approve a final budget until next month.

■ **The Los Angeles Unified School District is negotiating with the California Museum of Science and Industry to open an elementary school on the museum's grounds that would serve children from the surrounding neighborhood.**

District officials stress that the school—which would also serve as a teacher-training center and curriculum-development site for the University of Southern California—could not become a reality until at least the middle of the decade.

"A site has been identified at the area," said Pat Spencer, a spokesman for the district, but the project is "still very much at the discussion stage."

If the project proceeds as planned, the new school would occupy the upper floor of an as-yet-unbuilt two-story building at the museum's Exposition Park site.

District officials also stressed that the school would serve as a normal elementary school, making the museum's resources accessible to the local community, and not as a magnet school.

PEOPLE

■ After three years in office, **Joseph L. Shilling**, Maryland's state school superintendent, resigned last week to take over as superintendent of the nine-school Queen Anne's County, Md., district.

The generally popular state school chief, whose resignation took state officials by surprise, said he took the job so he could return to his home county.

The reforms he drafted are proceeding well, he told local reporters, and the Queen Anne's post would not still have been open at the end of the final year of his term.

Mr. Shilling will assume his new duties July 1. He will earn $88,500, nearly $9,000 less than his state salary.

UPDATE

■ **A tentative agreement struck between parents and school-district officials in Newburgh, N.Y., calls for shielding from public view a controversial marker memorializing the 1989 deaths of 10 elementary-school children.**

The agreement, made informally last month and expected to come up for formal school-board action by June 10, asks that approximately 75 four-foot evergreen trees be planted around a marker erected at East Coldenham Elementary School last year in observance of the deaths of nine children who were killed when tornado-like winds blew down a cafeteria wall, said Robert DiBella, a law clerk for the Westchester County judge overseeing the agreement. *(See Education Week, Nov. 22, 1989.)*

The name of a 10th child, who was killed in front of the school after the storm by a motorist distracted by the damage, is also inscribed on the 3-by-4 foot black granite marker that sits in front of the school.

Some parents had filed suit objecting to the prominent placement of the marker, which was deemed traumatic to some children.

The planting of trees around the marker would create an "optional viewing" area, Mr. DiBella said.

■ **A federal appeals court has rejected the claim of seven black Fairfax, Va., teachers that they were discriminated against when passed over for merit-pay bonuses during the 1988-89 school year.**

A panel of the U.S. Court of Appeals for the Fourth Circuit upheld a district-court decision last year that the teacher failed to prove the discrimination.

The teachers had argued that the district's merit-pay system violated their constitutional rights to due process and equal protection. Each teacher had received an "effective" rating under the system, which prevented them from applying for advancement for at least a year. *(See Education Week, Oct. 18, 1989.)*

At the same time, they contended, white teachers had received higher ratings that made them eligible for merit pay. The white teachers did not perform as well in the classroom, the plaintiffs argued, but received higher ratings "because of their race and/or personal relationship with the principal," the teachers had argued.

■ **A dozen Georgia teachers who were illegally fired when they failed a now-defunct teacher-assessment test have agreed to settle their suit against the state for $250,000.**

The teachers were fired and told they could not teach in the state for at least a year because they had failed the Teacher Performance Assessment Instrument, an on-the-job evaluation. That test was ruled invalid by a court nearly three years ago, and, in February, a state superior-court judge held that the teachers could sue the state for damages.

The judge also held that the state had willfully violated the teachers' rights to due process. *(See Education Week, March 6, 1991.)*

Lawyers for the teachers had estimated the back pay alone at more than $500,000.

The state asked the Georgia Supreme Court to review that ruling, but agreed to settle with the teachers before the high court could hear arguments.

DIMENSIONS

Going to Court

Suits Against School Districts 1985-1988

Filed by Students

Negligence	821
Control of behavior	42
School program	45
Equal opportunity	61
Unknown	78
TOTAL	**1,047**

Filed by Employees

Discrimination	135
Discipline	207
Professional negotiations	94
Negligence	131
Unknown	37
TOTAL	**604**

Source: Michael Imber and Gary Thompson, University of Kansas

School districts are sued more often for negligence than for any other reason, a recent study suggests.

Michael Imber and Gary Thompson, both of the University of Kansas, surveyed 500 public-school districts nationwide, asking them to count the number of suits filed against them between 1985 and 1988 and to provide the basic facts in each case. The researchers received 300 usable replies, representing 2 percent of the nation's districts and 6 percent of public-school pupils.

A total of 2,069 suits were reported; of that number, 1,825 suits fit into a new classification system the authors developed to be more comprehensive than past efforts. Of the 1,825 suits, 1,047 were initiated by students, 604 by employees, and 174 by someone outside the system, usually a contractor.

Charges of negligence by teachers, administrators, and coaches were most common, the researchers found, and were filed by students and employees alike.

Among student-litigants, suits were also filed over control of behavior (including punishment, freedom of expression, and religious exercise), school program (curriculum, grades, textbooks, and extracurricular activities), and equal opportunity (desegregation, sex, handicapped, and funding equity). Few desegregation suits were filed during the period, the authors found; about 80 percent of the equal-opportunity suits dealt with alleged violations of special-education laws.

Employees also filed suits over discrimination (on the basis of race, sex, and age), discipline (reassignments and firings), and professional negotiations (union contracts).

The researchers' findings appear in an article, "Developing a Typology of Litigation in Education and Determining the Frequency of Each Category," in the May isue of ***Educational Administration Quarterly***.

■ **A local judge in Minneapolis has ruled that parents and officials of the nonprofit corporation that operates a private school for Native American students should be allowed to decide whether the dismissal of three board members should stand.**

Ramsey County District Judge Gordon Shumaker ruled this month that a meeting held in October 1990, during which the board members at the Little Red School House were ousted, was invalid because the current board failed to provide proof that all parties interested in the decision were notified that the meeting was taking place. *(See Education Week, Nov. 7, 1990.)*

The school has had a troubled background of changing leadership and factionalism among supporters of various directors.

Judge Shumaker, however, stayed his decision on who has authority to withdraw funds from the school's bank account until after the school's annual meeting in June, so that parents and others can decide for themselves who should be in charge.

■ **The federal judge presiding over the Boston school-desegregation case has retracted an oral order saying that white teachers could be transferred out of the city's examination high schools without the protection of a union grievance process.** *(See Education Week, May 8, 1991.)*

U.S. District Judge W. Arthur Garrity Jr.'s written order, issued this month, means that the Boston Teachers Union will not appeal the decision, according to union officials.

In his earlier ruling, the judge had said that the Boston school superintendent could move tenured white teachers out of the elite schools to make room for minority teachers without regard to the arbitration procedures normally used by the union in such cases.

The judge's orders came in response to a motion by the plaintiffs to reopen the case because the school system had not met court-ordered hiring guidelines specifying the racial balance the school system must maintain among its teachers. They argued that the number of minority teachers in the examination schools had dropped, rather than increased as required.

Clarification

The Technology column in the May 22 issue failed to note that educators who wish to obtain a free copy of a special videotape of segments from the Public Broadcasting Service geography series "The Shape of the World" must place their orders by June 30.